



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND PATENT INTERFERENCES

Applicant : DAVIDOV
Application No. : 09/924,471
Filed : August 9, 2001
Title : LID HAVING INTEGRAL ONE-PIECE EATING UTENSIL
Group Art Unit : 3727
Examiner : R. Hylton
Docket No. : 3143-3

Honorable Commissioner for Patents
Washington, D.C. 20231

APPEAL BRIEF



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APPENDIX A - Claims on Appeal

APPENDIX B - Final Office Action of February 23, 2005

APPENDIX C - Claims with Element Numbers

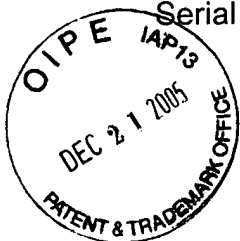
APPENDIX D - Figures 1-8

APPENDIX E - Copies of Pages 4-7 of Specification

APPENDIX F - German Patent DE 200 00 079 to Heidorn and Verified Translation

APPENDIX G - PCT/AU94/00543 (WO 95/07847) to Schoenmakers

APPENDIX H - U.S. Patent 6,371,324 to Torniainen



Remarks

1. Real Party In Interest

The Real Party In Interest of the patent application on appeal is CODA INTERNATIONAL LIMITED, 25 Wheeler Avenue, Pleasantville, New York, by way of an Assignment recorded at Reel 012064, and Frame 0332.

2. Related Appeals And Interferences

This appeal is not related to any other appeals and/or interferences.

3. Status Of Claims

Claims 1, 2 and 4-8 are involved in this appeal, claims 3 and 9-15 having been previously canceled. Claims 1, 2, 4, 7 and 8 stand finally rejected under 35 U.S.C. § 103(a) as being rendered obvious by German Patent DE 200 00 079 U1 to Heidorn taken in view of PCT/AU94/00543(WO 95/07847) to Schoenmakers et al. Claims 5 and 6 also stand finally rejected under 35 U.S.C. § 103(a) as being rendered obvious by the aforementioned combination of references taken further in view of Torniainen et al. (6,371,324).

The claims on appeal are set forth in **Appendix A**, while the final Office Action of February 23, 2005 is attached hereto as **Appendix B**.

4. Status Of Amendments

No amendments were submitted in response to the Final Office Action mailed on February 23, 2005.

5. Summary of Claimed Subject Matter

The summary of the claimed subject matter will be presented in conjunction with **Appendix C**, which is a listing of the claims on appeal with the element numbers inserted therein, the element numbers also being referred to in Figures 1-8, attached hereto as **Appendix D**, and copies of pages 4-7 of Appellants specification attached hereto as **Appendix E**.

As noted therein, the claimed subject matter is directed toward a lid (10) configured to be mounted on a food container (12) having a rim bounding an opening of the food container. The lid (10) comprises a top cover wall (14) having a generally planar configuration, and having a single opening (16) therethrough, in addition to an outer periphery. The lid also comprises a one-piece eating utensil (18) located in the opening (16) of the top cover wall (14), the one-piece utensil (18) having a food engaging portion (18a) of substantially uniform thickness and an integral handle portion (18b) extending therefrom. The handle portion (18b) is configured to be gripped by a hand of a user. The one-piece eating utensil (18) is removably connected to the top cover wall (14) solely by a plurality of discrete, spaced apart, frangible connected elements (20). A length of the one-piece eating utensil measured from an end of the food engaging portion to an end of

the handle portion is less than a distance (d_1) [see Figs. 2 and 3; page 5 of the specification, lines 14-20] between opposite sides of the periphery (14a) of the top cover wall.

The lid also comprises a side wall (22) [page 5 of the specification, lines 21 et seq.] extending downwardly from the periphery (14a) of the top cover wall and configured to engage the rim of the food container, the side wall (22) including first and second wall portions (22a, 22b) wherein the second wall portion (22b) of one lid is configured to accept therein the first wall portion (22a) of another lid so as to enable a plurality of lids to be stacked in a nested fashion [see Figs. 3 and 4].

Claim 2 depends from claim 1 and further requires the first wall portion (22a) to extend from the periphery (14a) of the top cover wall and the second wall portion (22b) to have a lateral dimension (d_2) [see Fig. 3; page 5, lines 21 et seq.] measured between opposite sides of the second wall portion to be greater than a corresponding dimension of the first wall portion. Claim 2 also requires a step portion (22c) connecting the first and second wall portions together.

Claim 4 depends from claim 1 and requires the food engaging portion to comprise a spoon (18) [see Figs. 1-6].

Claim 5 depends from claim 1 and requires the food engaging portion to comprise a fork (26) [see Fig. 7; page 7, lines 9 et seq.].

Claim 6 also depends from claim 1 and requires that the food engaging portion comprise a knife (28) [see Fig. 8; page 7, lines 18 et seq.].

Claim 7 depends from claim 1 and has the additional requirement of a protective sheet (24) permanently attached to the top cover wall and covering at least the one-piece eating utensil [see Fig. 1; page 6, lines 13 et seq.].

Claim 8 depends from claim 1 and has the additional limitation of a protective sheet (24) removably attached to the top cover wall [see Fig. 5; page 6, lines 24 et seq.].

6. Grounds of Rejection to be Reviewed

- I) whether claims 1, 2, 4, 7 and 8 are rendered obvious under 35 U.S.C. § 103(a) by German Patent DE 200 00 079 to Heidorn taken in view of PCT/AU94/00543(WO 95/07847) to Schoenmakers et al.; and
- II) whether claims 5 and 6 are rendered obvious under 35 U.S.C. § 103(a) by the aforementioned patents to Heidorn to Schoenmakers taken further in view of Torniainen (6,371,324).

A copy of the Heidorn, along with a verified English language translation is attached hereto as **Appendix F**, a copy of Schoenmakers is attached hereto as **Appendix G** and a copy of Torniainen is attached hereto as **Appendix H**.

7. Argument

Rejection of claims 1, 2, 4, 7 and 8 as being rendered obvious under
35 U.S.C. §103(a) by Heidorn in view of Schoenmakers

On page 2 of the Final Office Action mailed on February 23, 2005, the Examiner interpreted the primary reference to Heidorn as follows:

Heidorn teaches a lid comprising a) a top cover wall having a generally planar configuration, the top cover wall having outer periphery, a side wall extending downwardly from the periphery of the top cover wall and configured to engage the rim of the food container, the side wall including first and second wall portions wherein the second wall portion of one lid is configured to accept therein the first wall portion of another lid so as to enable a plurality of lids to be stacked in nested fashion and an eating utensil located in openings of the top cover wall, the utensil having a food engaging portion of substantially uniform thickness and an integral handle portion extending therefrom...

Appellant vigorously traverses this interpretation of Heidorn. As noted in the attached **Appendix F**, this reference quite clearly teaches a well-known two-piece eating utensil configuration molded into a container cover. Heidorn is totally devoid of an disclosure, in the specification, claims and drawings, of "first and second wall portions wherein the second wall portion of one lid is configured to accept therein the first wall

portion of another lid so as to enable a plurality of lids to be stacked in nested fashion”, or a “utensil having a food engaging portion of substantially uniform thickness”, as postulated by the Examiner. These features are simply not disclosed in any fashion whatsoever by Heidorn. Heidorn is totally devoid of any features of the side wall which would enable the lids to be stacked in nested fashion, as well as being completely devoid of any mention of the thickness (uniform or otherwise) of the food engaging portion.

On page 3 of the outstanding Final Office Action, the Examiner recognizes that Heidorn does not teach a one-piece eating utensil, and cited the secondary reference to Schoenmakers as disclosing such a one-piece utensil in a removable lid. While Schoenmakers does, in fact, disclose such a lid with a one-piece eating utensil, the structure of the eating utensil is distinguishable over the specific requirements of Appellant’s claims.

Specifically, Appellant’s claims require the one-piece eating utensil to have a food engaging portion “of substantially uniform thickness”. Schoenmakers, on the other hand, specifically requires that food engaging portion of the eating utensil to have a non-uniform thickness. Schoenmakers state, on page 5, lines 27 *et seq.* that:

The spoon 8 comprises a handle portion 16 and a bowl portion 17. The upper surface 18 of the spoon 8 is flat and flush with the flat upper surface 10 of the cover portion 2. A strengthening rib 21 is provided in the lower surface 19 of the spoon 8 and runs around the perimeter of the spoon 8. Another strengthening rib 23 extends across the spoon to

define the border between the handle portion 16 and the bowl portion 17. ...

The lower surface of the bowl portion is of dished shape having a thinner central region at 24, and a thicker outer region at 25. *[Emphasis added]*

On page 3 of the outstanding Final Office Action, the Examiner notes that Heidorn teaches that its structure is molded in one piece and, thus, the spoon set forth in Heidorn would “inherently” have a substantially uniform thickness. Appellant respectfully traverses this self-serving conclusion, which is specifically repudiated by the secondary reference to Schoenmakers. Schoenmakers discloses a lid or container cover that is molded in one piece and which does not have a utensil with a food engaging portion of uniform thickness. Indeed, Schoenmakers specifically requires the food engaging portion to be non-uniform in thickness. Thus, the Examiner’s conclusion that Heidorn would “inherently have a uniform thickness” based upon the fact that it is molded in one piece is directly contradicted by the secondary reference to Schoenmakers.

As noted above, Heidorn does not disclose, in any fashion whatsoever, any features regarding the thickness of the food engaging portion of the utensil. Schoenmakers, specifically requires that the food engaging portion of the utensil be of non-uniform thickness. Thus, Appellant submits that the combination of Heidorn and Schoenmakers would inherently lead one having ordinary skill in the art away from Applicant’s claimed structure by requiring the food engaging portion of the one-piece utensil to be of non-

uniform thickness. Given this specific teaching in Schoenmakers, Appellant submits that the combination of Heidorn and Schoenmakers could not possibly render Appellant's claims 1, 2, 4, 7 and 8 obvious under 35 U.S.C. § 103(a). Neither reference contains the slightest suggestion of such a food engaging portion being of "substantially uniform thickness" as specifically required by all of Appellant's claims. Indeed, the only teaching regarding the thickness of the food engaging portion is toward a non-uniform thickness, as set forth in Schoenmakers. There is not the slightest incentive in either of the cited references, and, inherently, in the combination of such references, that would lead one having ordinary skill in the art to arrive at Appellant's claimed structure. The outstanding rejection of Appellant's claims 1, 2, 4, 7 and 8 having been rendered obvious under 35 U.S.C. § 103(a) by Heidorn taken in view of Schoenmakers is respectfully traversed.

Rejection of claims 5 and 6 under 35 U.S.C. §103(a) as being rendered obvious by Heidorn, Schoenmakers and Torniainen

The Examiner cited the secondary reference to Torniainen as teaching a lid having a detachable eating utensil wherein the utensil can be a spoon, fork, a combination spoon and fork, or a knife. Torniainen was not cited as disclosing a one-piece utensil having a food engaging portion of substantial uniform thickness as required by all of Appellant's claims. Thus, Appellant submits that claims 5 and 6, by way of their dependency on claim 1, requires the food engaging portion to be of substantially uniform thickness, a feature that is not disclosed by either Heidorn, or Schoenmakers.

Since none of the three cited references disclose this feature, Appellant submits that the combination of these references could not possibly be interpreted as disclosing such a feature. Indeed, the only specific mention of the thickness of the food engaging portion in Schoenmakers would lead one in a direction directly opposite from the requirements of Appellant's claims and toward a non-uniform thickness.

The rejection of claims 5 and 6 as being rendered obvious by Heidorn taken in view of Schoenmakers and Torniainen is respectfully traversed.

Case Law

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested

reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

More recently, the courts has held, in In re Fritch, 23 USPQ2d, 1780 (Fed.Cir. 1992), at page 1783 that:

The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

Appellant submits that none of the references to Heidorn, Torniainen, or Schoenmakers contain the slightest suggestion that its teachings may be combined with the other as required by 35 U.S.C. § 103. It is believed to be abundantly clear that the Examiner has taken selected portions of three references, none of which contains the slightest disclosure that their teachings could be so combined, in a classic case of hind-

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sight reconstruction having the benefit of Appellant's disclosure. Clearly, such a combination is not an acceptable combination under 35 U.S.C. §103. The rejections of Appellant's claims as being rendered by the aforementioned combinations of references under 35 U.S.C. § 103 is respectfully traversed.

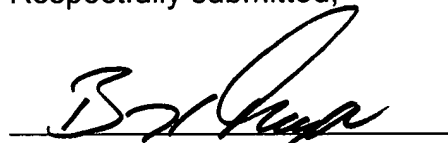
9. Summary

Appellant requests this Board to reverse the Examiner's rejections of claims 1, 2, 4, 7 and 8 as being rendered obvious by Heidorn taken in view of Schoenmakers, and claims 5 and 6 as being rendered obvious by Heidorn taken in view of Schoenmakers and Torniainen.

Respectfully submitted,

Date: December 21, 2005

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APPENDIX A

CLAIMS ON APPEAL

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Claim 1. A lid configured to be mounted on a food container having a rim bounding an opening of the food container, the lid comprising:

a) a top cover wall having a generally planar configuration, the top cover wall having a single opening therethrough and an outer periphery;

b) a one-piece eating utensil located in the opening of the top cover wall, the one-piece utensil having a food engaging portion of substantially uniform thickness and an integral handle portion extending therefrom, the handle portion being configured to be gripped by a hand of a user, the one-piece eating utensil being removably connected to the top cover wall solely by a plurality of discrete, spaced apart, frangible connecting elements, a length of the one-piece eating utensil from an end of the food engaging portion to an end of the handle portion being less than a distance between opposite sides of the periphery of the top cover wall; and,

c) a side wall extending downwardly from the periphery of the top cover wall and configured to engage the rim of the food container, the side wall including first and second wall portions wherein the second wall portion of one lid is configured to accept therein the first wall portion of another lid so as to enable a plurality of lids to be stacked in nested fashion.



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2. The lid of claim 1 wherein:
 - a) the first wall portion extends from the periphery of the top cover wall;
 - b) the second wall portion has a lateral dimension measured between opposite sides thereof greater than a corresponding dimension of the first wall portion; and,
 - c) a step portion connecting the first and second wall portions together.
4. The lid of claim 1 wherein the food engaging portion comprises a spoon.
5. The lid of claim 1 wherein the food engaging portion comprises a fork.
6. The lid of claim 1 wherein the food engaging portion comprises a knife.
7. The lid of claim 1 further comprising a protective sheet permanently attached to the top cover wall and covering at least the one-piece eating utensil.
8. The lid of claim 1 further comprising a protective sheet removably attached to the top cover wall and covering at least the one-piece eating utensil.

APPENDIX B



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,471	08/09/2001	Theodore Davidov	BHT-3143-3	2649
7590 02/23/2005				
DOUGHERTY & TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041				
		EXAMINER HYLTON, ROBIN ANNETTE		
		ART UNIT 3727 PAPER NUMBER		

DATE MAILED: 02/23/2005

Final Due 5-23-05
Deadline 8-23-05

Please find below and/or attached an Office communication concerning this application or proceeding.

09/24/01
09/24/01
09/24/01

Office Action Summary	Application No. 09/924,471	Applicant(s) DAVIDOV ET AL.	
	Examiner Robin A. Hylton	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the food-engaging portion is of "substantially uniform thickness".

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1,2,4,7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidorn in view of Schoenmakers (WO 95/07847).

Heidorn teaches a lid comprising a) a top cover wall having a generally planar configuration, the top cover wall having outer periphery, a side wall extending downwardly from the periphery of the top cover wall and configured to engage the rim of the food container, the side wall including first and second wall portions wherein the second wall portion of one lid is configured to accept therein the first wall portion of another lid so as to enable a plurality of lids to be stacked in nested fashion and an eating utensil located in openings of the top cover wall, the utensil having a food engaging portion of substantially uniform thickness and an integral handle portion extending therefrom, the handle portion being configured to be gripped by a hand of a user, the one-piece eating utensil being removably connected to the top cover wall solely by a plurality of discrete, spaced apart, frangible connecting elements, a length of the one-piece eating utensil from an end of the food engaging portion to an end of the handle portion being less than a distance between opposite sides of the periphery of the top cover wall. The English translation provided by applicant specifies on page 1 of the specification and in claim 1 that the

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spoon is made in one piece with the lid, just as that of the instant invention is formed as one piece. Thus, the spoon inherently has a substantially uniform thickness.

Heidorn does not teach a one-piece eating utensil within a single opening through the lid cover wall, it would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate the secondary handle extension 2 and form a one-piece eating utensil as taught by Schoenmakers. Doing so would have been an obvious matter of design choice to save on manufacturing costs, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Torniainen.

Heidorn as modified by Schoenmakers teaches the claimed lid except the eating utensil being a fork or a knife.

Torniainen teaches a lid having a detachable eating utensil wherein the utensil can be a spoon as seen in figure 1 or can be a fork, spork, or knife as described in col. 5, lines 40-42 and col. 13, lines 7-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of a fork and a knife as an eating utensil removably attached in the opening of the lid of Heidorn. Doing so provides alternative utensils as appropriate for the food contained within the associated container.

5. Claims 1,2,4,7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidorn in view of Schoenmakers (WO 95/07847).

Heidorn teaches a lid comprising a) a top cover wall having a generally planar configuration, the top cover wall having outer periphery, a side wall extending downwardly from the periphery of the top cover wall and configured to engage the rim of the food container, the

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side wall including first and second wall portions wherein the second wall portion of one lid is configured to accept therein the first wall portion of another lid so as to enable a plurality of lids to be stacked in nested fashion and an eating utensil located in openings of the top cover wall, the utensil having a food engaging portion of substantially uniform thickness and an integral handle portion extending therefrom, the handle portion being configured to be gripped by a hand of a user, the one-piece eating utensil being removably connected to the top cover wall solely by a plurality of discrete, spaced apart, frangible connecting elements, a length of the one-piece eating utensil from an end of the food engaging portion to an end of the handle portion being less than a distance between opposite sides of the periphery of the top cover wall. The English translation provided by applicant specifies on page 1 of the specification and in claim 1 that the spoon is made in one piece with the lid, just as that of the instant invention is formed as one piece. Thus, the spoon of Heidorn must inherently have a substantially uniform thickness.

Wherein it can be argued the food engaging portion of Heidorn is not of "substantially uniform thickness", it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the spoon of a "substantially uniform thickness". Doing so would eliminate the need for a more expensive mold having different thicknesses.

Heidorn does not teach a one-piece eating utensil within a single opening through the lid cover wall, it would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate the secondary handle extension 2 and form a one-piece eating utensil as taught by Schoenmakers. Doing so would have been an obvious matter of design choice to save on manufacturing costs, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Tornainen.

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Heidorn as modified by Schoenmakers teaches the claimed lid except the eating utensil being a fork or a knife.

Torniainen teaches a lid having a detachable eating utensil wherein the utensil can be a spoon as seen in figure 1 or can be a fork, spork, or knife as described in col. 5, lines 40-42 and col. 13, lines 7-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of a fork and a knife as an eating utensil removably attached in the opening of the lid of Heidorn. Doing so provides alternative utensils as appropriate for the food contained within the associated container.

Response to Arguments

7. Applicant's arguments filed November 05, 2004 have been fully considered but they are not persuasive.

Applicant argues the spoon of Heidorn is not inherently of a "substantially uniform thickness" because the specification is silent to that specific teaching. Inherency does not require a specific teaching since it is based upon a well-established and known characteristic or trait. See, for instance, Marshall et al. (US 3,955,742) which teaches an integrally molded lid and spoon, the spoon's food engaging portion being of "substantially uniform thickness". See figure 1.

Moreover, it is pointed out that the instant specification is silent regarding the food-engaging portion being of "substantially uniform thickness". The drawings *appear* to show this feature (thus no matter rejection was raised by the examiner). Since the specification of the instant applicant does not specifically teach the food engaging portion of the spoon is of a "substantially uniform thickness", it is reasoned that this feature is inherent in the manufacture of a one-piece lid and eating utensil.

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It is further submitted that a spoon of varying thickness would be specifically taught in the prior art reference. See for instance Schoenmakers teaching of a support rib surrounding the spoon perimeter.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various prior art disclosures teaching features similar to those disclosed and/or claimed are cited for their disclosures.

10. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

Art Unit: 3727

11. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 872-9306 on the date shown below:

Typed or printed name of person signing this certificate

Signature _____

Date _____


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (571) 272-4549.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148 or may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 18, 2005


Robin A. Hylton
Primary Examiner
GAU 3727

Notice of References Cited

Application/Control No.

09/924,471

Applicant(s)/Patent Under
Reexamination
DAVIDOV ET AL.

Examiner

Robin A. Hylton

Art Unit

3727

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
X	N	WO 95/07847	02-1995	WIPO	Schoenmakers	---
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

APPENDIX C

CLAIMS ON APPEAL (With Numbering)

09/924,471

Claim 1. A lid (10) configured to be mounted on a food container (12) having a rim bounding an opening of the food container, the lid (10) comprising:

a) a top cover wall (14) having a generally planar configuration, the top cover wall (14) having a single opening (16) therethrough and an outer periphery (14a);

b) a one-piece eating utensil (18) located in the opening (16) of the top cover wall (14), the one-piece utensil (18) having a food engaging portion (18a) of substantially uniform thickness and an integral handle portion (18b) extending therefrom, the handle portion (18b) being configured to be gripped by a hand of a user, the one-piece eating utensil (18) being removably connected to the top cover wall (14) solely by a plurality of discrete, spaced apart, frangible connecting elements (20), a length of the one-piece eating utensil from an end of the food engaging portion to an end of the handle portion being less than a distance (d_1) between opposite sides of the periphery (14a) of the top cover wall (14); and,

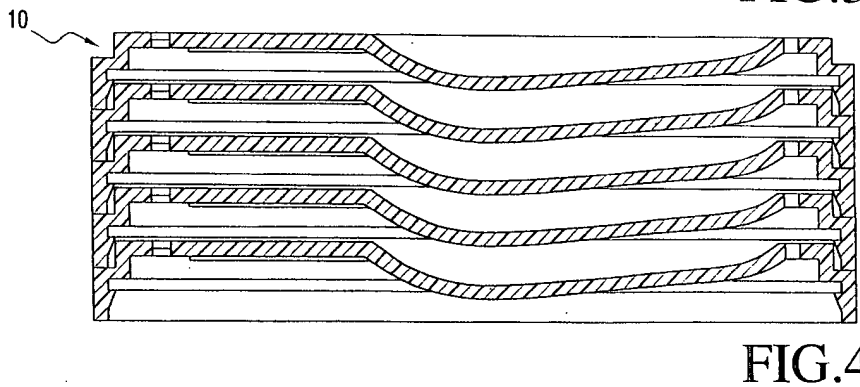
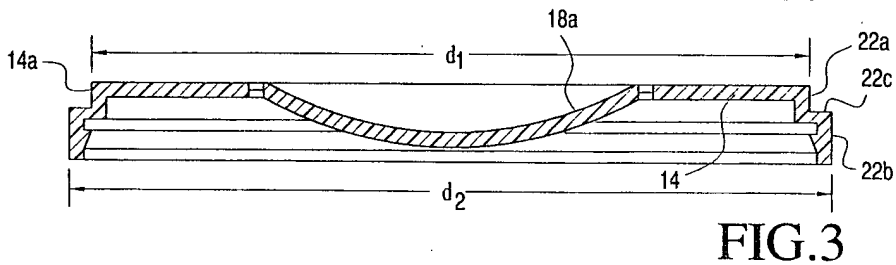
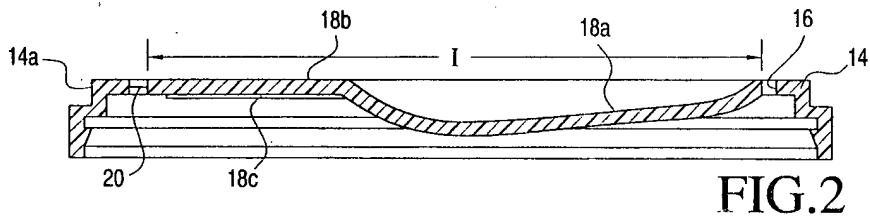
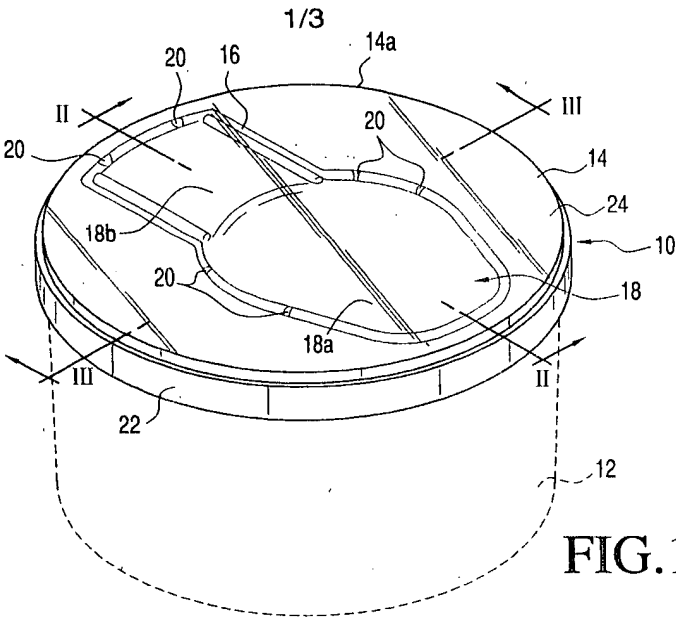
c) a side wall (22) extending downwardly from the periphery (14a) of the top cover wall (14) and configured to engage the rim of the food container, the side wall (22) including first and second wall portions (22a, 22b) wherein the second wall portion (22b) of one lid is configured to accept therein the first wall portion (22a) of another lid so as to enable a plurality of lids to be stacked in nested fashion.

APPENDIX C (page 2)

09/924,471

2. The lid of claim 1 wherein:
 - a) the first wall portion (22a) extends from the periphery (14a) of the top cover wall (14);
 - b) the second wall portion (22b) has a lateral dimension (d_2) measured between opposite sides thereof greater than a corresponding dimension of the first wall portion; and,
 - c) a step portion (22c) connecting the first and second wall portions together.
4. The lid of claim 1 wherein the food engaging portion comprises a spoon (18).
5. The lid of claim 1 wherein the food engaging portion comprises a fork (26).
6. The lid of claim 1 wherein the food engaging portion comprises a knife (28).
7. The lid of claim 1 further comprising a protective sheet (24) permanently attached to the top cover wall and covering at least the one-piece eating utensil.
8. The lid of claim 1 further comprising a protective sheet (24) removably attached to the top cover wall and covering at least the one-piece eating utensil.

APPENDIX D



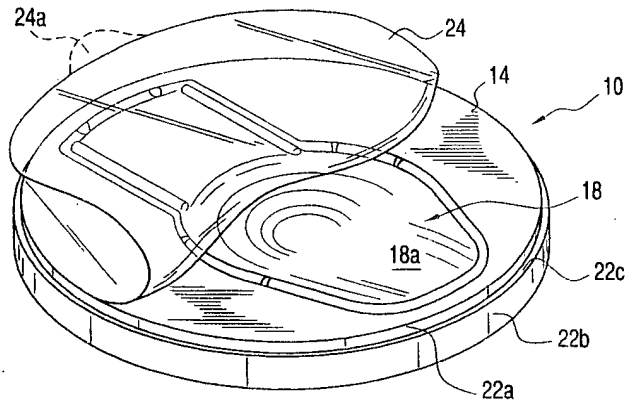


FIG. 5

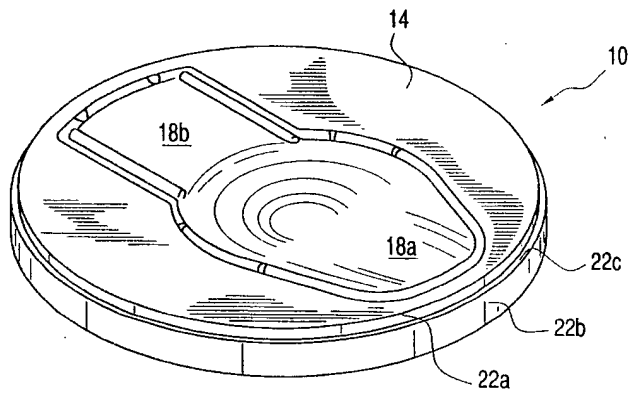


FIG. 6

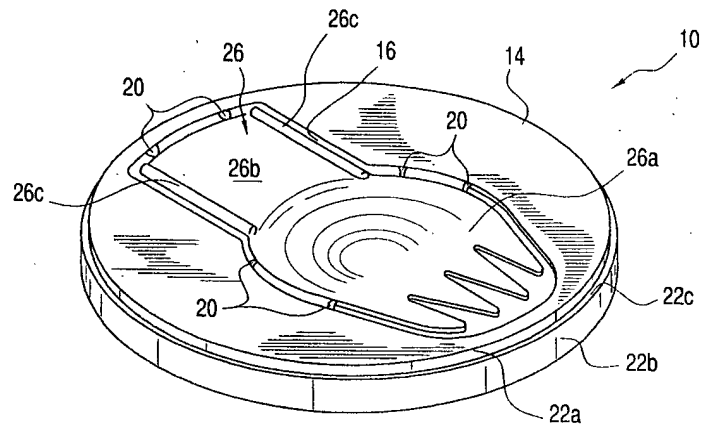


FIG. 7

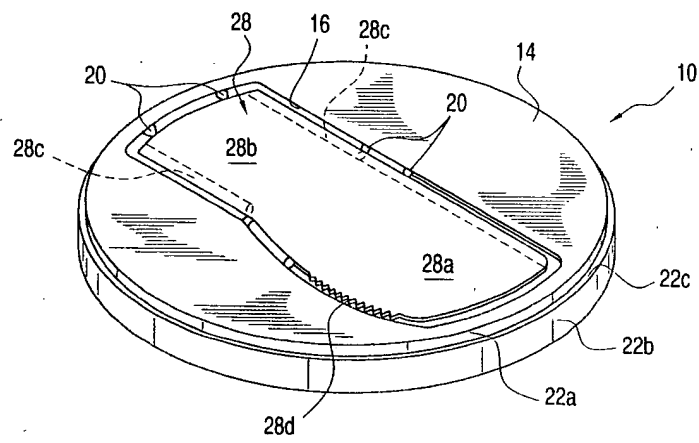


FIG. 8

APPENDIX E

Figure 5 is a perspective view of the lid according to the present invention having a removable protective sheet.

Figure 6 is a perspective view of a lid according to the present invention without a protective sheet.

5 Figure 7 is a perspective view of a lid according to the present invention illustrating a fork as the eating utensil.

Figure 8 is a perspective view of a lid according to the present invention illustrating a knife as the eating utensil.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

10 The present invention relates to a lid having an integral, one-piece eating utensil that is easily removable from the lid and which possesses the requisite rigidity to enable the utensil to be used without deformation or breakage. Although the invention will be described with a spoon as the eating utensil, it is to be understood that eating utensils, such as, but not limited to, forks and knives, are also
15 encompassed by this invention.

The lid 10, as illustrated in Figure 1, is configured to be mounted on a food container 12 having a rim (not shown) bounding an opening of the food container. The lid comprises a top cover wall 14 having an opening 16 therethrough and an outer periphery 14a.

20 A one-piece eating utensil 18 is integrally formed with the lid 10 and is located within the opening 16 through the top cover wall 14. As illustrated in Figures 1-6, the one-piece eating utensil 18 comprises a spoon having a concave food engaging portion 18a and an integral, handle portion 18b extending from one side of the food engaging portion 18a. Handle portion 18b is configured to facilitate the gripping

thereof by the user when the one-piece eating utensil 18 has been removed from the lid 10. A lower surface of the handle portion 18b may have one or more reinforcing ribs 18c extending therefrom so as to increase the rigidity of the handle portion 18b and to further facilitate gripping of the handle portion by the user.

5 As illustrated in Figure 1, the opening 16 through the top cover wall 14 is generally the same shape as the outline of the one-piece eating utensil 18. The one-piece eating utensil 18 is integrally formed with the lid 10, such as by injection molding, or other known forming processes. A plurality of discrete, spaced apart frangible connecting elements 20 are also integrally formed during the molding
10 process and serve to releasably attach the one-piece eating utensil to the top cover wall 14. Since connecting elements 20 are frangible in nature, the one-piece eating utensil 18 may be readily removed from the lid 10 once the lid 10 has been removed from the container 12.

 A distance d_1 measured between opposite sides of the periphery 14a of the
15 top cover wall 14 is illustrated in Figure 3. As can be seen in Figure 2, a length l of the one-piece eating utensil 18, measured between an end of the food engaging portion 18a and an end of the handle portion 18b, the total length of the one-piece eating utensil 18, is less than the distance d_1 between opposite sides of the periphery of the top cover wall. Thus, the one-piece eating utensil fits entirely within
20 the periphery 14a of top cover wall 14.

 A side wall 22 extends downwardly from the periphery 14a of the top cover wall 14 and is configured to engage the rim portion of the food container 12. The side wall 22 comprises a first wall portion 22a extending from the periphery 14a of the top cover wall 14, a second wall portion 22b having a lateral dimension d_2 ,
25 measured between opposite sides thereof greater than a corresponding dimension of the first wall portion 22a, and a step portion 22c connecting the first and second

5 wall portions 22a, 22b, together. As can be seen in Figure 3, the lateral dimension measured between opposite sides of the first wall portion 22a corresponds to the distance d_1 . Forming the side wall 22 such that d_1 is less than d_2 , enables a plurality of lids 10 to be stacked in nested fashion, as illustrated in Figure 4. Usually, within the industry, the lids and the containers are not made by the food suppliers, but are made by separate manufacturers specializing in those particular areas. The containers and lids are separately shipped to the food preparer, who then fills the container with the prepared food and applies the lids to the container. The stacking of the lids in nested fashion minimizes the volume occupied by a plurality of lids, thereby minimizing the shipping costs to transport the manufactured lids to the food processor. As illustrated in Figure 4, the concave food engaging portion 18a does not interfere with the nested stacking of the plurality of lids 10.

15 A protective sheet 24 may be attached to an upper surface of the top cover wall 14 such that the protective sheet covers at least an upper surface of the one-piece eating utensil 18. This prevents contamination of the one-piece eating utensil 18 during shipping, sale and handling of the food container 12. The protective sheet 24 may be permanently attached to the top cover wall 14, as illustrated in Figure 1. In this instance, once the lid 10 has been removed from the container 12, the eating utensil 18 may be removed from the underside of the lid 10.

20 Protective sheet 24 may be attached to the top cover wall 14 by any known methods. The permanent attachment of the protective sheet 24 to the top cover wall 14 enables the food container 12 to be re-covered by the lid 10 if the contents of the container are not completely consumed.

Alternatively, the protective sheet 24 may be releasably attached to the top cover wall 14, as illustrated in Figure 5. Known types of releasable adhesives may be utilized to affix the protective sheet 24 to the top cover wall 14. A tab 24a may

also be added to the periphery of the protective sheet 24 to enable the user to readily remove the protective sheet from the lid 10. Quite obviously, the protective sheet 24 may be a transparent, translucent or opaque material and may have advertising indicia thereon.

5 The lid 10 may also be formed with no protective sheet, as illustrated in Figure 6. The construction of the lid 10 in the embodiments illustrated in Figures 5 and 6 is identical to the construction of the lid 10 previously described and illustrated in Figures 1-4.

10 The one-piece eating utensil may comprise a fork 26, illustrated in Figure 7, or a knife 28, illustrated in Figure 8. In each case, the top cover wall 14 has the through opening 16 and the one-piece utensil is integrally formed therewith and connected to the top wall 14 by a plurality of discrete, spaced apart frangible connecting elements 20. The fork 26 has food engaging portion 26a having a plurality of tines and an integral handle portion 26b. As in the previously described
15 embodiment, the total length l of the eating utensil is less than the distance d_1 . The handle portion 26b may also have the reinforcing ribs 26c to increase the rigidity of the handle portion 26b.

20 The one-piece knife 28 has blade portion 28a and an integral, handle portion 28b extending therefrom. Reinforcing ribs 28c may also be provided to increase the rigidity of the utensil. Blade portion 28a may also have a serrated edge 28d to increase the cutting efficiency of the knife 28. As in the previously described embodiment, the embodiments of Figures 7 and 8 may also be provided with a permanently attached protective sheet, a releasable protective sheet, or no protective sheet.

APPENDIX F

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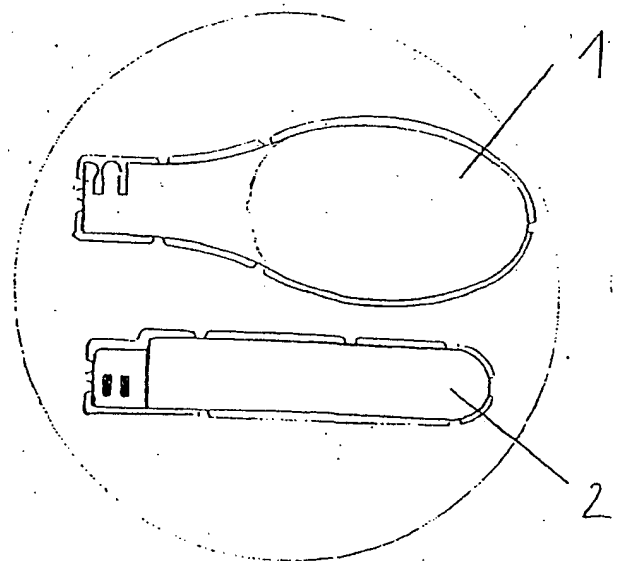
⑫ Gebrauchsmusterschrift
⑩ DE 200 00 079 U 1

⑤① Int. Cl. 7:
B 65 D 51/28
B 65 D 77/24

②① Aktenzeichen:	200 00 079.9
②② Anmeldetag:	4. 1. 2000
④⑦ Eintragungstag:	30. 3. 2000
④③ Bekanntmachung im Patentblatt:	4. 5. 2000

⑦③ Inhaber:
Heidorn, Benjamin, 53474 Bad
Neuenahr-Ahrweiler, DE

- ⑤④ Deckel mit integriertem Löffel zum Herausdrücken
- ⑤⑦ Ein Deckel mit integriertem Löffel zum Herausdrücken, der z. B. als Deckel von Joghurtbechern oder Ähnliches verwendet werden kann gemäß Fig. 1 und Fig. 5,
- und der Deckel mit integriertem Löffel zum Herausdrücken gem. Fig. 1 in einem Stück, z. B. durch das Gießen in eine Form, hergestellt wird,
 - wobei der Löffel zweiteilig ist, d. h., dass der Löffel aus einem Mundstück mit Steckvorrichtung (1) und aus einem Griffstück mit Steckvorrichtung (2) besteht,
 - das Mundstück mit Steckvorrichtung (1) wird wie in Fig. 2 auf das Griffstück mit Steckvorrichtung (2) gesteckt, damit der Löffel stabil ist.



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Beschreibung gem. § 6 GbmAnmV
Deckel mit integriertem Löffel zum Herausdrücken

3. Januar '00

Deckel von z.B. Joghurtbechern oder Ähnliches sind gewöhnlich nur als Verstärkung für den Becher gedacht und schützen vor äußeren Einflüssen, sie bleiben im Übrigen ungenutzt, dabei könnten sie einen integrierten Löffel (Fig.1) beinhalten. Gerade an Tankstellen, Imbissen, Raststätten, etc., wo oftmals ein Löffel fehlt, wäre geholfen. Besonders in Europa, in welchem in den letzten Jahren das Gesundheitsbewußtsein zu genommen hat, soll die gesunde Ernährung nicht am fehlendem Löffel scheitern.

Der im Schutzanspruch 1 angegebenen Erfindung liegt das Problem zugrunde, einen Löffel an einem Becher bzw. in einem Deckel zu integrieren.

Dieses Problem wird mit den im Schutzanspruch 1 aufgeführten Merkmalen gelöst. Damit der zweiteilige Löffel für den Gebrauch auch stabil genug ist, wird der Löffel auf der Rückseite mit stabilisierenden Streben versehen.(Fig.3)

Mit der Erfindung wird erreicht, dass ein Becher immer mit Löffel vorhanden ist und Joghurt, Pudding usw. bei Verlangen gegessen werden kann.

Eine vorteilhafte Ausgestaltung der Erfindung ist im Schutzanspruch 2 angegeben.

Die Ausgestaltung nach Schutzanspruch 2, d.h. ein speziellen Aufkleber(3) (Fig.5) auf den Deckel mit integriertem Löffel (Fig.1) zu kleben, schützt den Löffel vor häufigem Anfassen des Bechers.(hygienischer Aspekt)

Ein Ausführungsbeispiel wird anhand der Fig. 1 bis 5 erläutert. Es zeigen:

- Fig. 1 den Deckel mit integriertem Löffel zum Herausdrücken
- Fig. 2 das Steckverfahren des Mundstückes(1) und des Griffstückes(2)
- Fig. 3 den zusammengesteckten Löffel mit stabilisierenden Streben auf der Rückseite
- Fig. 4 den zusammengesteckten Löffel von vorne
- Fig. 5 wie der Deckel (Fig.1) und der Aufkleber auf den Becher gedrückt werden.

In den Figuren ist der Deckel mit Mundstück (1) und Griffstück (2) dargestellt. Der Deckel mit Aufkleber (3) wird auf den Becher (4) gedrückt und stellt somit den fertigen Becher mit der neuen Erfindung dar.

Der Deckel mit Löffel zum Herausdrücken gemäß Fig.1 wird in einem Stück, z.B. durch das Gießen in eine Form (Material: Kunststoff oder Ähnliches), hergestellt.

Bei Verzehr des Becherinhalts wird vorher der Deckel (Fig.1) abgenommen, von oben auf den Aufkleber (3) bzw. Deckel gemäß Fig.1 das Mundstück(1) und das Griffstück(2) herausgedrückt und nach Fig. 2 zusammengesetzt.

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Beschreibung Blatt 2

Fig. 3 und 4 zeigen den zusammengesetzten Löffel mit seinen stabilisierenden Streben auf der Rückseite.

Fig. 5 zeigt, wie der Aufkleber und Deckel mit dem Becher vereint werden.

B. Heidorn

Benjamin Heidorn

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Schutzansprüche gem. §5 GbmAnmV

3. Januar '00

Deckel mit integriertem Löffel zum Herausdrücken

1. Ein Deckel mit integriertem Löffel zum Herausdrücken, der z.B. als Deckel von Joghurtbechern oder Ähnliches verwendet werden kann gemäß Fig. 1 und Fig. 5,
 - und der Deckel mit integriertem Löffel zum Herausdrücken gem. Fig. 1 in einem Stück, z.B. durch das Gießen in eine Form, hergestellt wird,
 - wobei der Löffel zweiteilig ist, d.h., dass der Löffel aus einem Mundstück mit Steckvorrichtung(1) und aus einem Griffstück mit Steckvorrichtung (2) besteht,
 - das Mundstück mit Steckvorrichtung (1) wird wie in Fig. 2 auf das Griffstück mit Steckvorrichtung (2) gesteckt, damit der Löffel stabil ist.
2. Deckel mit integriertem Löffel zum Herausdrücken nach Schutzanspruch 1,
 - damit der Löffel auch gegen häufiges Anfassen hygienisch geschützt ist, wird der Deckel gemäß Fig. 1 mit einem speziellen Aufkleber(3, durchsichtig), der den Durchmesser des Deckels hat gemäß Fig. 5, geschützt.

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Fig. 1

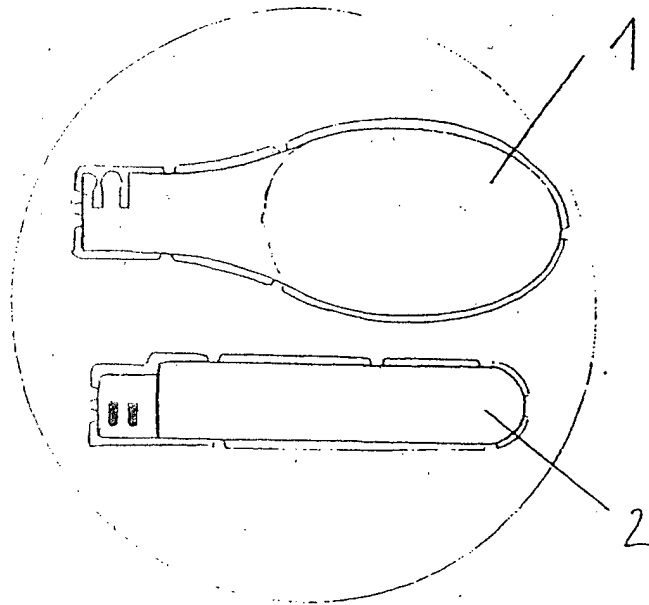
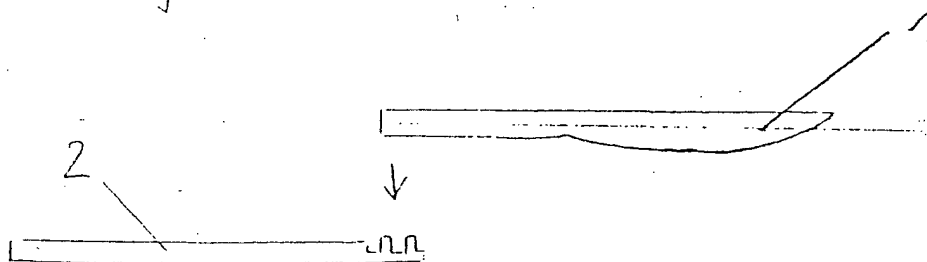


Fig. 2



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Fig. 3

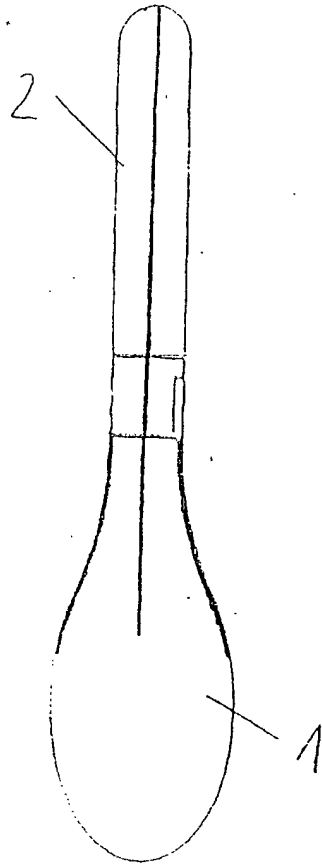


Fig. 4

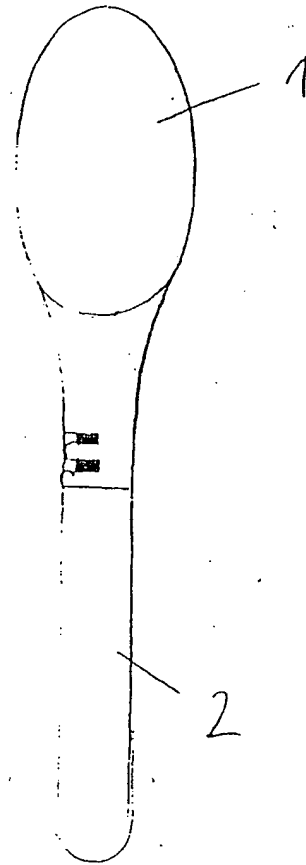
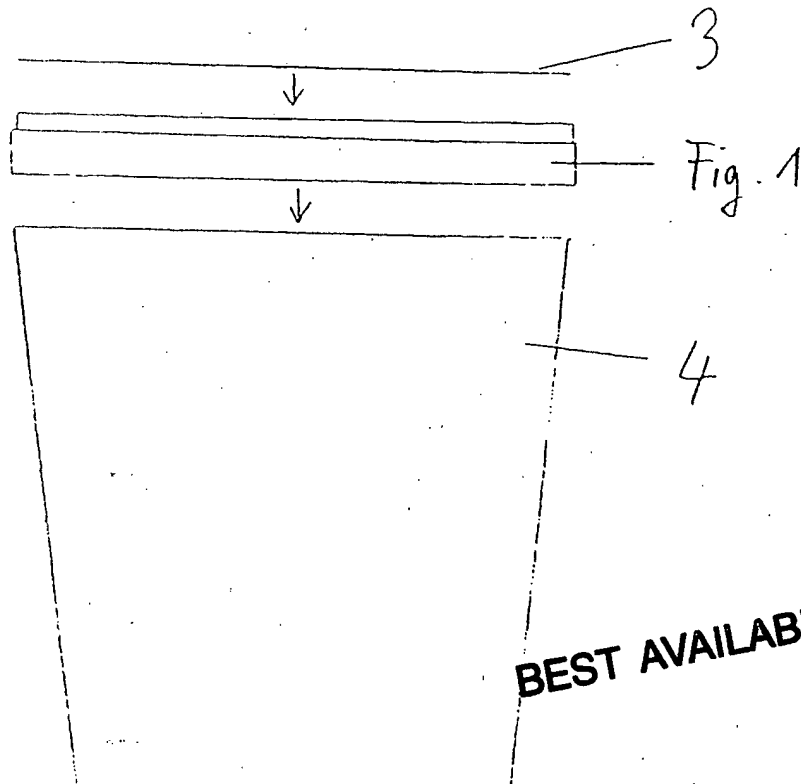


Fig. 5



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19 FEDERAL REPUBLIC OF GERMANY

[emblem]

GERMAN PATENT AND TRADEMARK OFFICE

12 Utility Model Specification

10 DE 200 00 079 U1 51 Int. Cl.⁷:

B 65 D 51/28

B 65 D 77/24

21 File reference: 200 00 079.9

22 Date of application: January 4, 2000

47 Date of entry: March 30, 2000

43 Announcement in Patent Gazette: May 4, 2000

73 Holder:

Heidorn, Benjamin, 53474 Bad Neunahr-Ahrweiler, DE

54 Lid with Integral Spoon to Be Pressed out

57 A lid with an integral spoon to be pressed out that can be used, for example, as a lid of yogurt cups or the like in accordance with Fig. 1 and Fig. 5,

- and the lid with integral spoon to be pressed out in accordance with Fig. 1 is manufactured in one piece, for example, by casting in a mold,

- whereby the spoon is in two parts, that is, the spoon consists of a mouthpiece with plug-in device (1) and of a grip with plug-in device (2),

- the mouthpiece with plug-in device (1) is inserted as shown in Fig. 2 onto the grip with plug-in device so that the spoon is stable.

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Lid with Integral Spoon to Be Pressed out

Lids of yogurt cups or the like, for example, are usually only intended as reinforcement for the cup and protect them from outside influences. They otherwise remain unused, whereby they could contain an integral spoon (Fig. 1). This would be helpful especially at gas stations, snack bars, rest stops, etc., where often the spoons are missing. Especially in Europe where in recent years health consciousness has increased, healthy nutrition should not fail because of the lack of a spoon.

The invention indicated in claim 1 is based upon the object of incorporating a spoon into a cup or alid.

This problem is solved with the features presented in patent claim 1. In order for the two-part spoon to be also stable enough for use, the spoon is provided with stabilizing bars on the reverse side (Fig. 3).

With the invention, it is ensured that a cup is always available with spoon and yogurt, pudding etc. can be eaten when desired.

An advantageous configuration of the invention is indicated in claim 2.

The configuration according to claim 2, i.e. of gluing a special label (3) (Fig. 5) on the lid with integral spoon (Fig. 1), protects the spoon from frequent touching of the cup (hygienic aspect).

An embodiment is explained on the basis of Fig. 1 to 5, wherein:

- Fig. 1 Illustrates the lid with integral spoon to be pressed out;
- Fig. 2 Illustrates the plug-in process of the mouthpiece (1) and the grip (2);
- Fig. 3 Illustrates the assembled spoon with stabilizing struts on the reverse
- Fig. 4 Illustrates the assembled spoon from the front
- Fig. 5 Illustrates how the lid (Fig. 1) and the label are pressed on the cup.

The lid with mouthpiece (1) and grip (2) are represented in the Figures. The lid with label (3) is pressed on the cup (4) and consequently represents the ready cup with the new invention.

The lid with spoon to be pressed out in accordance with Fig. 1 is manufactured in one piece, for example, by means of casting into a mold (material: plastic or the like).

The lid (Fig. 1) is removed prior to consuming the content of the cup, the mouthpiece (1) and the grip (2)

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are pressed out from above on the label (3) or lid in accordance with Fig. 1 and assembled according to Fig. 2

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Description page 2

Fig. 3 and 4 illustrate the assembled spoon with its stabilizing struts on the reverse.

Fig. 5 illustrates how label and lid are joined with the cup.

[Signature]

Benjamin Heidorn

Lid with Integral Spoon to Be Pressed out

1. A lid with integral spoon to be pressed out, that, for example can be used as a lid of yogurt cups or the like, in accordance with Fig. 1 and Fig. 5
 - and the lid with integral spoon to be pressed out in accordance with Fig. 1 is manufactured in one piece, for example, by casting in a mold,
 - whereby the spoon is in two parts, that is, the spoon consists of a mouthpiece with plug-in device (1) and of a grip with plug-in device (2),
 - the mouthpiece with plug-in device (1) is inserted as shown in Fig. 2 onto the grip with plug-in device so that the spoon is stable.
1. Lid with integral spoon to be pressed out according to claim 1,
 - so that the spoon is also hygienically protected against frequent handling, the lid in accordance with Fig. 1 is protected with a special label (3, transparent) that has the same diameter as the lid in accordance with Fig. 5.

[Signature]

Benjamin Heidorn

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CERTIFICATION

Schreiber Translations, Inc.

51 Monroe Street

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Rockville, MD 20850

P: 301.424.7737

F: 301.424.2336

This is to certify that the attached English language document, identified as German Patent 09/924471, is a true and accurate translation of the original German language document to the best of our knowledge and belief.

Executed this 15th day
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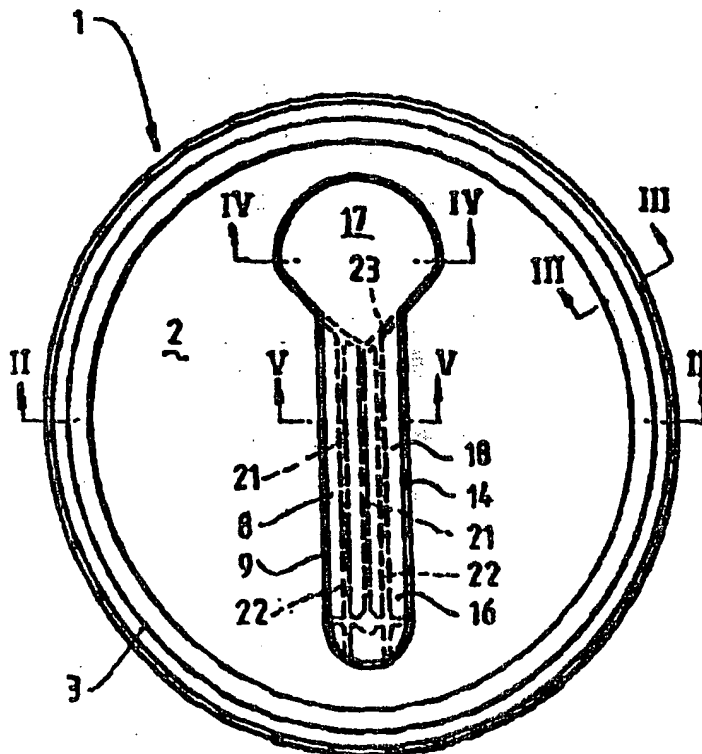
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<p>(21) International Application Number: PCT/AU94/00543</p> <p>(22) International Filing Date: 13 September 1994 (13.09.94)</p> <p>(30) Priority Data:</p> <table border="0"> <tr> <td>PM 1175</td> <td>13 September 1993 (13.09.93)</td> <td>AU</td> </tr> <tr> <td>PM 1850</td> <td>18 October 1993 (18.10.93)</td> <td>AU</td> </tr> <tr> <td>PM 4221</td> <td>3 March 1994 (03.03.94)</td> <td>AU</td> </tr> </table> <p>(71) Applicant (for all designated States except US): GOLDTHORN INVESTMENTS PTY. LTD. [AU/AU]; Level 2, 492 St Kilda Road, Melbourne, VIC 3004 (AU).</p> <p>(72) Inventors; and</p> <p>(75) Inventors/Applicants (for US only): SCHOENMAKERS, Gary, Leon [AU/AU]; 170 Forest Road, Boronia, VIC 3155 (AU). LEE, Andy [AU/AU]; 3-7 Haming Street, Dandenong, VIC 3175 (AU). VAUPOTIC, Vladimir [AU/AU]; 1 Futura Road, Keysborough, VIC 3173 (AU).</p> <p>(74) Agent: CARTER SMITH & BEADLE; Qantas House, 2 Railway Parade, Camberwell, VIC 3124 (AU).</p>		PM 1175	13 September 1993 (13.09.93)	AU	PM 1850	18 October 1993 (18.10.93)	AU	PM 4221	3 March 1994 (03.03.94)	AU	<p>(81) Designated States: AM, AT, AU, BB, BG, BR, BY, CA, CH, CN, CZ, DE, DK, EE, ES, FI, GB, GE, HU, JP, KE, KG, KP, KR, KZ, LK, LR, LT, LU, LV, MD, MG, MN, MW, NL, NO, NZ, PL, PT, RO, RU, SD, SE, SI, SK, TJ, TT, UA, US, UZ, VN, European patent (AT, BE, CH, DE, DK, ES, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG), ARIPO patent (KE, MW, SD).</p> <p>Published <i>With international search report.</i></p>
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APPENDIX G

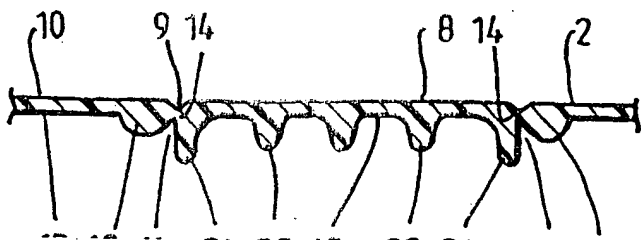
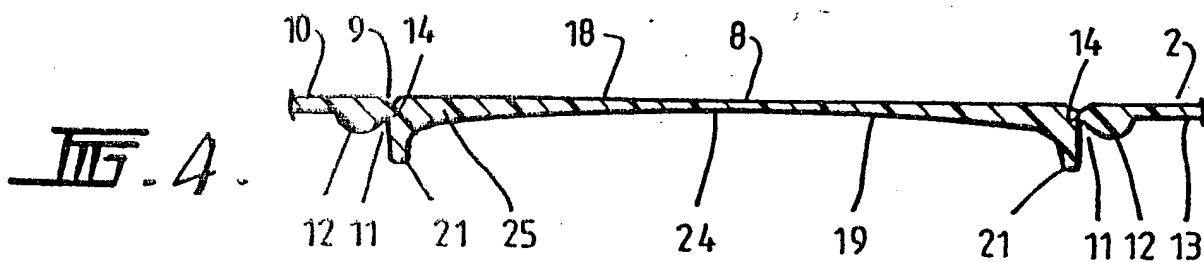
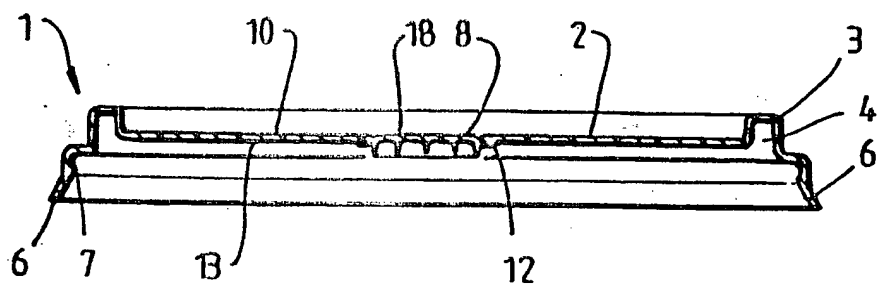
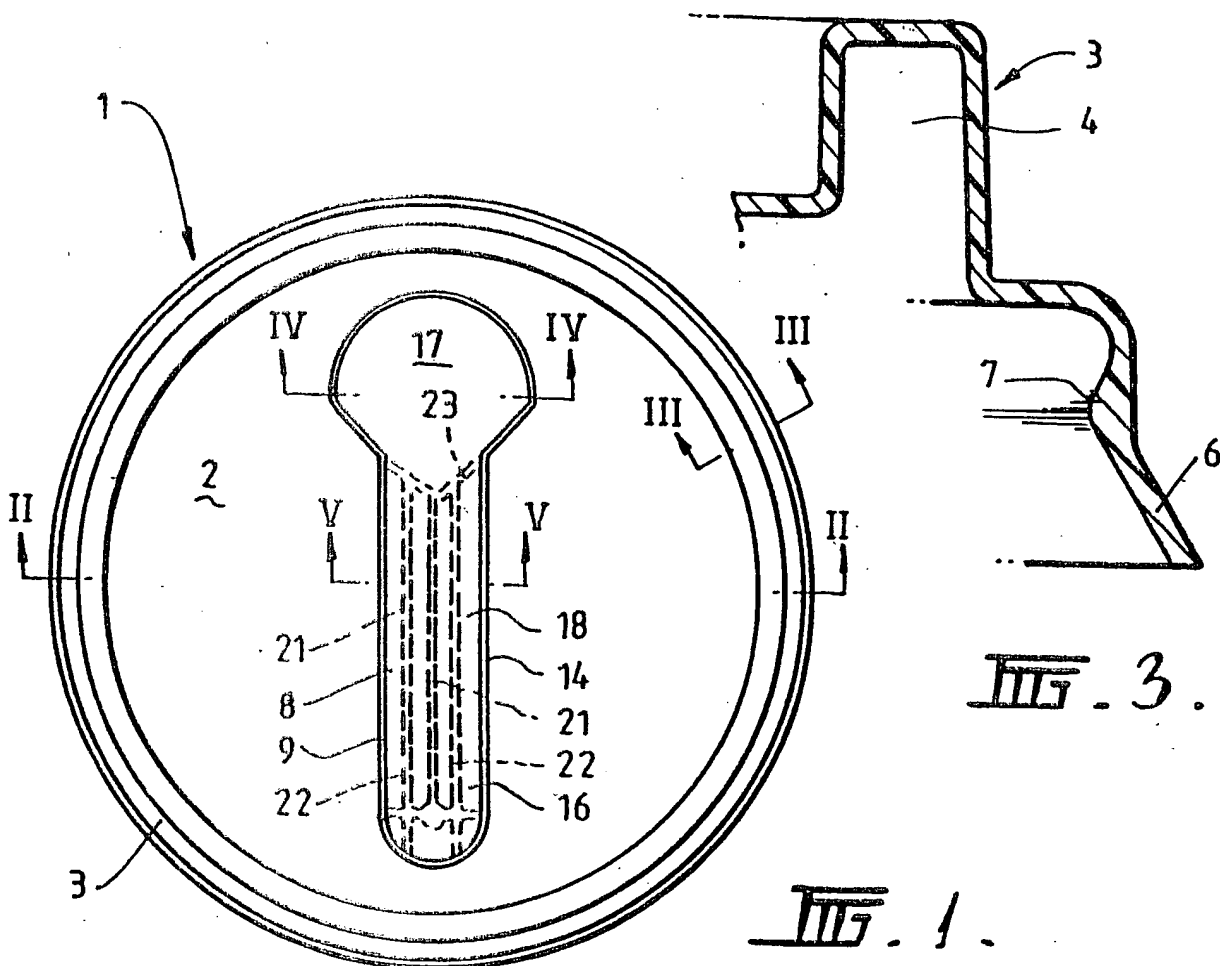
(54) Title: **LIDS, AND CONTAINERS WITH LIDS**

(57) Abstract

A lid (1; 31; 51) for a container (40) is provided with a built-in implement (8) for use with the contents of the container. In one form of the invention, the implement (8) is integrally moulded with a cover portion (2) of the lid (1) and can be separated from the cover portion (2) by breaking a frangible web (9) which connects the implement (8) to the cover portion (2). In another form, the implement (8) is connected to the cover portion (2) of the lid (31) by frangible tabs (33, 34 and 35) and a series of perforations (32) extend between the tabs (33, 34 and 35) to define the implement (8). In a further form of lid (51), the implement (8) is moulded separately from the cover portion (2) and connected thereto by one or more sealing sheets (56, 57). A method of moulding the cover portion (2) and separately formed implement (8) in a single die is also provided.



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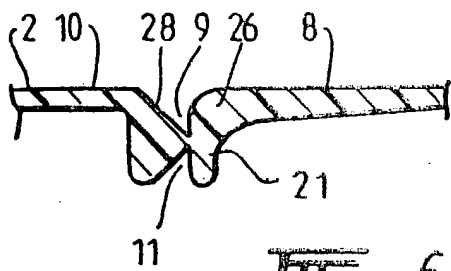


FIG. 6.

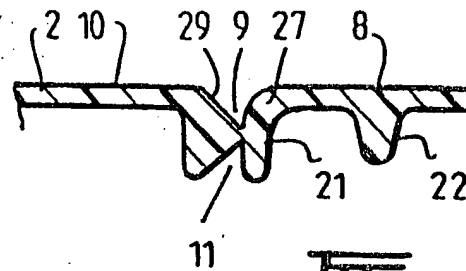


FIG. 7.

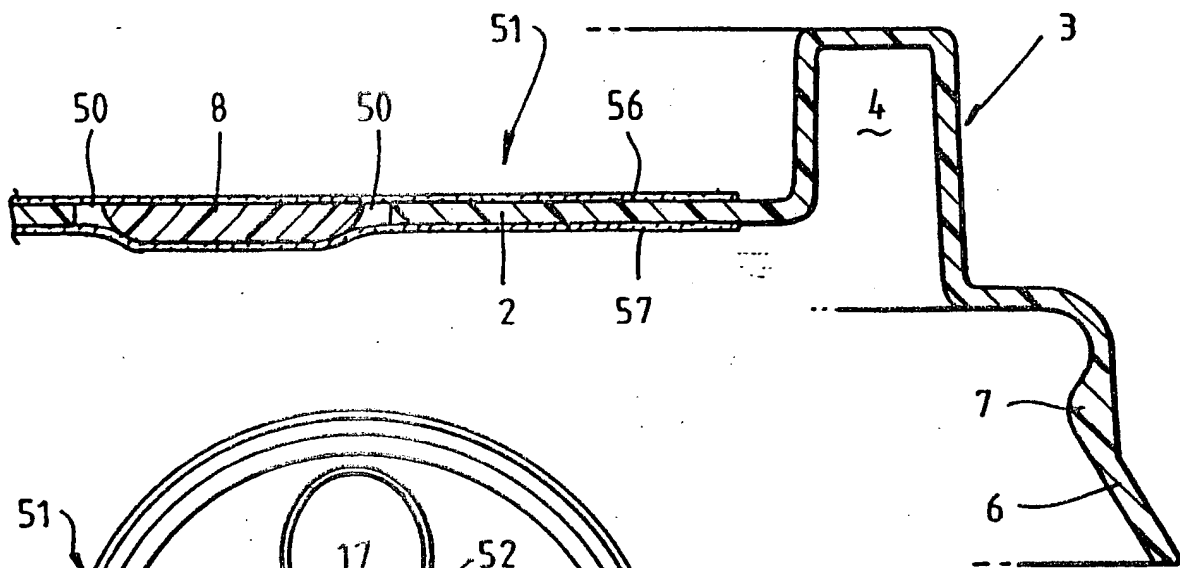


FIG. 14.

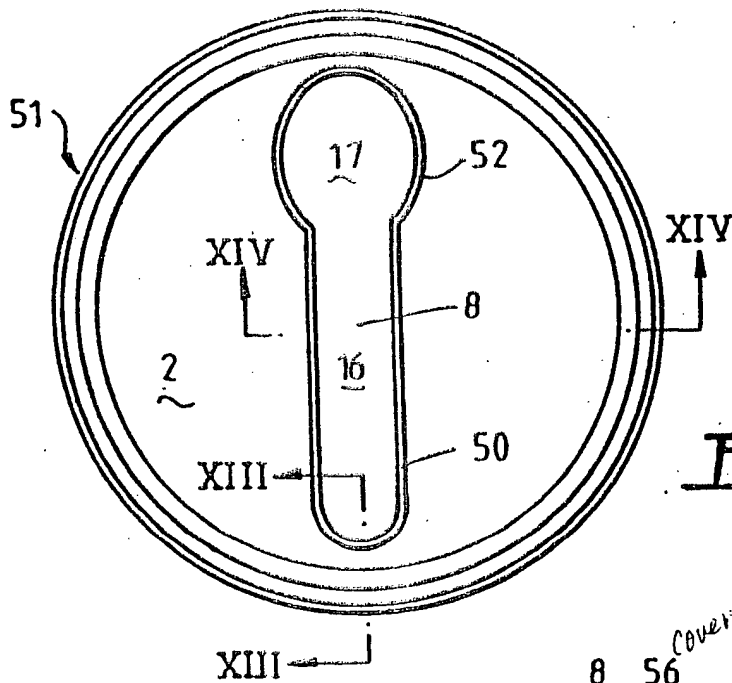
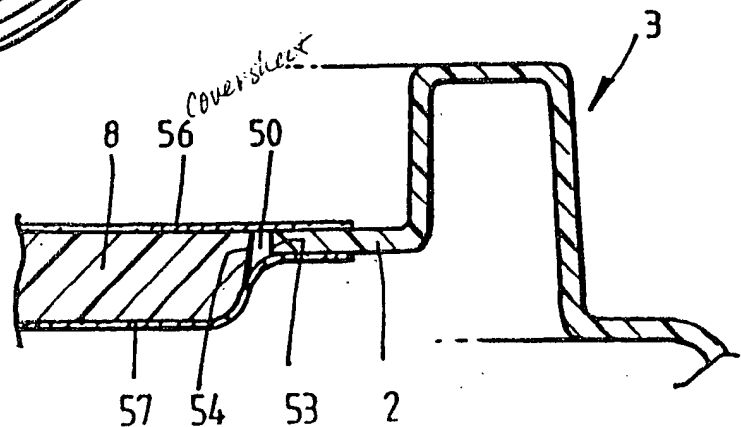


FIG. 12.

FIG. 13.



LIDS, AND CONTAINERS WITH LIDS

FIELD OF THE INVENTION

This invention relates to lids, and to containers with lids.

BACKGROUND OF THE INVENTION

5 It is known to provide many foods, for instance cream, snack foods, convenience foods, takeaway foods, ice-cream, yoghurt, preserved fruit, salads, Asian meals, in containers having a bowl or tub portion having an upper peripheral rim and a lid which has a cover portion and an outer peripheral rim for engaging with said upper peripheral rim to close the container.

10 In some instances a sealing sheet which is breakable may extend across said upper peripheral rim and in this instance the lid is usually provided for the purpose of reclosing the container after the sealing sheet has been broken.

In many instances it is the desire of a consumer to eat the food within the container by using an implement such as an eating utensil such as a spoon, fork,
15 knife or chopsticks.

It may also be a desire of a consumer to eat such food in a place, say away from home, where such an implement is not readily available and this may be inconvenient.

20 This invention is not confined to foods as the invention may have additional applications.

SUMMARY OF THE INVENTION

According to one aspect of the invention there is provided a lid for a container, comprising a cover portion adapted to extend over a container, wherein the lid includes an implement for use with the contents of the container, said
25 implement being connected to the cover portion in such a manner as to be separable from the cover portion.

Preferably, the implement is received in a complementary shaped recess or aperture in the cover portion and is connected to the sides of the recess or aperture by releasable or frangible means.

30 In accordance with one particular aspect of the invention, the implement is

formed integrally with the cover portion and is at least partly defined by a frangible web or line of weakness in the cover portion which may be broken to separate the implement from the cover portion.

Preferably, the web or line of weakness extends completely around the
5 implement in the cover portion.

The web or line of weakness may be defined at least partly by at least one groove in the cover portion. The at least one groove may be provided in the upper surface or in the lower surface of the cover portion, or grooves defining the frangible web or line of weakness may be provided in both the upper and lower
10 surfaces of the cover portion.

Alternatively, or additionally, a frangible line of weakness may be at least partly defined by frangible tabs and a series of perforations or slots in the cover portion extending between the tabs. The perforations or slots may extend only partially through the lid, or they may extend completely through the lid. Where the
15 perforations or slots extend completely through the lid, a removable sealing sheet may be provided which extends over at least the perforations or slots in the cover portion.

The lid may be conveniently formed from a synthetic plastics material and preferably the cover portion has the implement moulded therein.

20 In accordance with another aspect of the invention, the implement is formed separately from the cover portion and is attached to the cover portion by releasable or frangible attachment means.

When a separately formed implement is received in an aperture in the cover portion it is preferably connected to the sides of the aperture by a releasable sealing
25 sheet which seals a gap around the implement between its peripheral edge and the sides of the aperture. The separately formed implement may be conveniently received in a complementary shaped aperture in the lid. Preferably, the gap provides a clearance between the peripheral edge of the implement and the sides of the aperture of from 0.1mm to 1.0mm.

30 A sealing sheet may be applied to the upper surface or the lower surface of the lid, or sealing sheets may be applied to both upper and lower surfaces of the lid.

The lid and separate implement may be formed by separate processes and from the same material or different materials. It is, however, desirable for them to be formed by a single moulding process. Thus, in accordance with a further aspect of the invention there is provided a method of forming a lid according to the
5 previously described aspect of the invention wherein the cover portion and the implement are moulded from synthetic plastics material in separate cavities or sub-cavities in a single die.

The or each sealing sheet may be applied during moulding of the lid. If only one sheet is moulded, another sheet may be releasably secured to the implement
10 and the cover portion by heat bonding or by an adhesive.

When two sealing sheets are used they may have different removability one as to the other.

To access the implement from the cover portion, the or each sealing sheet may be broken or peeled back.

15 If it is desired to re-seal the aperture once the implement has been removed, at least one sealing sheet will preferably have a pressure-sensitive adhesive thereon so that said sheet can be secured over the aperture.

In the event that is desirable to break through the sealing sheet it may be notched so that breaking can be readily initiated.

20 The implement may be any desired implement, but in a preferred form of the invention, the implement comprises at least one eating utensil. The utensil may comprise a spoon, a knife and/or fork. Also, a pair of chopsticks may be included in the lid. For convenience, however, the following discussion will be conducted with respect to spoons only; it being understood that suitable modifications are to
25 be made to suit other implements.

When the implement is a spoon or fork it preferably comprises a handle portion and a food support portion.

The food support portion may be flat but preferably is bowl shaped, although it is to be appreciated that having regard to the exigencies of moulding, packing,
30 packaging and use the amount of dishing may well be limited.

The handle portion may include a number of ribs which provide strength

thereto.

The implement may be in part defined by a perimetric rib which will increase strength.

5 The lid preferably has an outer peripheral rim for engaging with an upper peripheral rim of the container.

According to a further aspect of the invention there is provided, in combination, a container comprising a tub or bowl portion having an upper peripheral rim and a lid including an implement in accordance with any one of the preceding aspects of the invention.

10 The container preferably includes within its tub or bowl portion a material which can be dispensed by the implement.

A membrane may be provided extending over the opening in the tub or bowl portion of the container. The membrane may be heat sealed to the tub or bowl portion. Such a membrane is particularly desirable where the implement is defined
15 by a line of perforations or slots extending completely through the lid, or where the implement is formed separately from the cover portion and received in an aperture in the cover portion.

Instead of, or in addition to a membrane, another lid may be provided which may fit over or under the first mentioned lid.

20 Some preferred embodiments of lids in accordance with this invention will now be described, by way of example only, with reference to the accompanying drawings.

BRIEF DESCRIPTION OF THE VIEWS OF THE DRAWINGS

Figure 1 is a plan view of a lid in accordance with the invention;

25 Figure 2 is a cross-sectional view on line II-II in Figure 1;

Figure 3 is an elongated cross-sectional view on line III-III in Figure 1;

Figure 4 is a cross-sectional view on line IV-IV in Figure 1;

Figure 5 is a cross-sectional view on line V-V in Figure 1;

Figure 6 is a cross-sectional view of part of a modified lid;

30 Figure 7 is a cross-sectional view of part of another modified lid;

Figure 8 is a plan view of another lid in accordance with the invention;

Figure 9 is an enlarged cross-sectional view on line IX-IX in Figure 8 and also showing the upper part of a container;

Figure 10 is a view similar to Figure 9 showing sealing sheets attached to the lid of Figure 8;

5 Figure 11 is a cross-sectional view of the lid of Figure 10 taken on line XI-XI in Figure 8;

Figure 12 is a plan view of a further lid in accordance with the invention;

Figure 13 is a cross-sectional view of line XIII-XIII in Figure 12; and

Figure 14 is a cross-sectional view on line XIV-XIV in Figure 12.

10 DETAILED DESCRIPTION WITH RESPECT TO THE DRAWINGS

In Figures 1 to 5 of the drawings is shown a lid 1 which comprises a cover portion 2 and a rim 3.

The rim 3 has a recess 4, a skirt 6 and a bead 7.

15 The lid 1 is intended to snap fit on to a container for a product and in this respect a typical container has a peripheral rim which enters into the recess 4 and which can be engaged by the bead 7 on the skirt 6 to restrict against removal of the lid 1.

The lid is moulded from a synthetic, thermoplastic material and moulded into the lid 1 is an implement in the form of a spoon 8.

20 The spoon 8 is defined by a frangible line of weakness in the form of a web 14 of reduced thickness in the cover portion 2 formed by an upper groove 9 in the upper surface 10 of the cover portion 2 and a lower groove 11 in the lower surface 13 of the cover portion 2.

25 A strengthening bead 12 is located on the lower surface 13 of the lid 1 and runs completely around the spoon to strengthen the cover portion 2 in way of the spoon.

The spoon 8 comprises a handle portion 16 and a bowl portion 17. The upper surface 18 of the spoon 8 is flat and flush with the flat upper surface 10 of the cover portion 2. A strengthening rib 21 is provided in the lower surface 19 of

the spoon 8 and runs around the perimeter of the spoon 8. Another strengthening rib 23 extends across the spoon to define the border between the handle portion 16 and the bowl portion 17.

Additional strengthening ribs 22 are provided in the underside of the handle portion 16.

The lower surface of the bowl portion is of dished shape having a thinner central region at 24, and a thicker outer region at 25.

Whilst the dimensions of the lid are not critical, in a particularly preferred embodiment the lid has a general thickness of about 0.4 – 0.5mm in the general region of the cover portion 2, and between the upper groove 9 and the lower groove 11 a thickness of about 0.05 – 0.10mm to define the frangible web 14. The actual thickness chosen should be such that the lid has structural integrity in normal packaging transport and sale but such little strength that the spoon 8 can be easily broken away from the cover portion 2 by simply pressing on the spoon 8.

It has also been found that the shape of a groove defining the breakaway line can improve breakability while retaining strength in unbroken condition.

Specifically it has been found that if one side of a groove is rounded and the other side of the groove is substantially flat when seen in cross-section then better breaking results.

The above is illustrated in Figure 6 and 7 where rounded shoulders 26 and 27 are provided at the upper peripheral edges of the spoon 8 and straight, oblique sides 28 and 29 are provided at the edges of the cover portion 2 adjacent the spoon which define the sides of a spoon shaped aperture when the spoon 8 is broken away.

In practice, it is preferred that one side of each groove 9, 11 adjacent the bottom of the groove is generally perpendicular to the upper surface 10 of the lid and another side of each groove adjacent the bottom of the groove is generally oblique to the upper surface 10, as shown in Figure 6 and 7.

Another lid 31 is shown in Figure 8–11 and is generally similar to that shown in Figures 1–7 and like numerals denote like parts.

However, in this instance the spoon 8 has been defined by perforations or

slots 32 which extend over a major part of the outline of the spoon 8 and which extend completely through the cover portion 2 and by one or more frangible tabs and 33, 34 and 35 which connect the spoon 8 to the cover portion 2. The slots 32 and tabs 33, 34 and 35 together define a line of weakness such that when the
5 connecting tabs 33, 34 and 35 are broken, the spoon 8 is separated from the cover portion 2 to leave a spoon-shaped aperture in the cover portion 2. The width of the slots or perforations is preferably between 0.1mm and 1.0mm.

As shown in Figure 8, two tabs 33 are provided at the sides of the handle portion 16 of the spoon, a tab 34 is provided at the end of the handle portion 16
10 and a further tab 35 is provided at the end of the bowl portion 17. Thus, the perforations or slots 32 between the tabs 33, 34 and 35 are of elongate form.

It will however, be appreciated that the slots and tabs may be of any desired length and any number of slots or perforations and tabs may be provided. For instance, a large number of short perforations and tabs may be provided to define
15 a line of weakness around the spoon that looks like a dashed or broken line.

The spoon 31 comprises a handle portion 16 and a bowl portion 17 and may incorporate strengthening ribs on its lower surface as in the embodiment of Figures 1 to 5.

It will, however, be appreciated that before the spoon 8 is broken away the
20 perforations or slots extending through the cover portion 2 represent an unsealed area of the lid. This may not present a problem if the container 40 to which the lid 1 is to be attached has a membrane 42 heat sealed to the upper peripheral rim 41 of the container 40 across the mouth of the container 40 as shown in Figure 9.

The container 40 of Figure 9 has a side wall 44 which together with a
25 container base (not shown) conveniently defines a tub or bowl shaped portion, and the upper part 45 of the side wall 44 terminates in the peripheral rim 41 defining the mouth of the container 40. The upper part 45 of the side wall 44 has an external recess 46 below the rim 41 which is adapted to receive the bead 7 on the skirt 6 of the lid 31.

30 If the lid of Figures 7 to 9 is to be used to seal a container which does not have a sealing membrane, or if the lid is required to reseal the container after the

spoon 8 has been separated from the cover portion 2, one or more sealing sheets may be provided attached to either one or both of the upper and lower surfaces of the spoon 8 and cover portion 2.

In Figures 10 and 11, there is shown the side part of a lid 31' provided with upper and lower sealing sheets 36 and 37 respectively. Each of the sealing sheets 36 and 37 conveniently has a pressure sensitive adhesive applied to one surface thereof to enable the sealing sheet 36, 37 to be removably attached to the lid over the spoon 8 and over the line of weakness defined by the perforations or slots 32 and the frangible tabs 33, 34, 35.

The sealing sheets 36 and 37 may be broken through or peeled back to access the spoon 8, but preferably at least one of the sealing sheets, desirably the upper sheet 36 has an adhesive thereon which is such that it enables the sealing sheet 36 to be peeled off the lid to allow the spoon 8 to be separated from the cover portion 2 whilst retaining sufficient adhesive to enable the sheet 36 to be re-attached to the lid 31 over the aperture formed by removal of the spoon.

A further lid 51 in accordance with the invention is shown in Figure 12 to 14 and is generally similar to the lid of Figures 10 and 11 and corresponding numerals denote corresponding parts.

However, in the lid 51 of Figures 12 to 14, the spoon 8 has been formed separately from the cover portion 2 of the lid 51 and is received in a spoon-shaped aperture 52 in the cover portion 2 leaving a gap 50 between the peripheral edge 54 of the spoon 8 and the side 53 of the aperture 52 in the cover portion.

In general, it will be found convenient if the lid 51 has a general thickness of about 0.4 - 0.5mm in the general region of the cover portion 2.

The gap 10 between spoon 8 and lid 1 is preferably about 0.1 - 1.0mm over the entire perimeter of the spoon.

Sealing sheets 56 and 57 are employed to seal the lid and to attach the spoon 8 to the cover portion 2.

The lid 51 is conveniently moulded by injecting a thermoplastic material into a single die having separate mould cavities for the cover portion 2 and the spoon 8. The spoon comprises a handle portion 16 and a bowl 17 and as in the

embodiment of Figures 1 to 5 the spoon 8 may have ribs on its under surface to provide strength.

The top surface of the spoon 8 is preferably flat and made flush with the cover portion 2.

5 The sealing sheets 56 and 57 may be placed in the die before it is closed and the thermoplastic material is injected between them.

10 The injection moulding die conveniently provides for two injection points; one for the lid and one for the spoon. One of the sealing sheets may have a hole which is pre-punched to allow plastic into the mould cavity for the spoon. The lid cavity may be filled from the edge.

Sometimes one of the sealing sheets may be attached to one side of the lid after moulding to avoid punching a hole in one of the seal sheets.

15 It will be appreciated that the sealing sheets 56 and 57 should be strong enough to retain structural integrity during normal transport and handling but weak enough that the spoon 8 can be easily removed by breaking or peeling a seal sheet.

Various modifications may be made to the above and include fixing one or both sealing sheets 56 and 57 with pressure-sensitive adhesive after the lid 1 and spoon 8 have been moulded. The thermoplastic material for the spoon is therefore not required to pass through a hole in a sealing sheet to enter the spoon cavity.

20 The claims and drawings form part of the disclosure of this specification as does the description, claims, illustrations, photographs and drawings of any associated provisional or parent specification or of any priority document all of which are imported hereinto as part of the record thereof.

25 Finally it is to be understood that various alterations, modifications and/or additions may be incorporated into the various constructions and arrangements or parts without departing from the spirit and ambit of the invention.

CLAIMS:

1. A lid for a container, comprising a cover portion adapted to extend over a container, wherein the lid includes an implement for use with contents of the container, said implement being connected to the cover portion in such a manner as to be separable therefrom.
2. A lid according to claim 1 wherein the implement is located in a complementary shaped recess or aperture in the cover portion and is connected to the sides of the cover portion defining the recess or aperture by releasable or frangible means.
3. A lid for a container, comprising a cover portion adapted to extend over a container, an implement for use with contents of the container, said implement being formed integrally with the cover portion and being at least partly defined by a frangible web or line of weakness in the cover portion which may be broken to separate the implement from the cover portion.
4. A lid according to claim 3 wherein the line of weakness extends completely around the implement.
5. A lid according to claim 3 or claim 4 wherein the line of weakness comprises a frangible web defined at least partly by at least one groove in the cover portion.
6. A lid according to claim 5 wherein a groove is provided in the upper surface of the cover portion.
7. A lid according to claim 5 or claim 6 wherein a groove is provided in the lower surface of the cover portion.
8. A lid according to any one of claims 5 to 8 wherein one side of the groove is rounded and the other side of the groove is substantially flat.
9. A lid according to any one of claims 5 to 9 wherein one side of the groove adjacent its bottom is generally perpendicular to the plane of the cover portion and the other side of the groove adjacent its bottom is generally oblique.
10. A lid according to any one of claims 2, 3 or 4 wherein the implement is connected to the cover portion by frangible tabs, and a series of perforations or slots in the cover portion extend between the tabs.

11. A lid according to any one of claims 3 to 10 wherein the lid is moulded from a synthetic plastics material and has the implement moulded into the cover portion.

5 12. A lid according to claim 10 wherein the perforations or slots extend completely through the lid and at least one removable sealing sheet is provided to cover the perforations or slots.

13. A lid according to claim 2 or any one of claims 3 to 11 wherein at least one removable sealing sheet is provided with the lid, the sealing sheet having an adhesive thereon for re-sealing an aperture in the cover portion formed by
10 removal of the implement.

14. A lid according to claim 1 or claim 2 wherein the implement is formed separately from the cover portion, and is attached to the cover portion by releasable or frangible attachment means.

15 15. A lid assembly according to claim 14 wherein the implement is attached to the cover portion by at least one releasable sealing sheet.

16. A lid for a container, comprising a cover portion adapted to extend over the container, an implement received in a complementary aperture in the cover portion, and at least one removable or frangible sealing sheet which extends over a gap between the implement and the cover portion and which is secured to the
20 implement and to the cover portion to seal the gap.

17. A lid according to claim 16 wherein the implement is formed separately from the cover portion.

18. A lid according to claim 16 or claim 17 wherein the gap provides a clearance between the peripheral edge of the implement and the sides of the
25 aperture of from 0.1mm to 1.0mm.

19. A lid according to any one of claims 11, 12 and 15 to 18 wherein a sealing sheet is applied to the upper surfaces of the cover portion and the implement.

20. A lid according to any one of claims 11, 12 and 15 to 18 wherein a
30 sealing sheet is applied to the lower surfaces of the cover portion and the implement.

21. A lid according to any one of claims 11, 12 and 15 to 18 wherein sealing sheets are applied to both upper and lower surfaces of the cover portion and the implement.

22. A lid according to any one of claims 11, 12 and 15 to 18 wherein the
5 or each sealing sheet has a pressure sensitive adhesive thereon.

23. A lid according to any one of the preceding claims wherein the implement comprises at least one eating utensil.

24. A lid according to claim 23 wherein the implement comprises a handle portion and a food support portion.

10 25. A lid according to claim 24, wherein the implement is a spoon and has a bowl-shaped food support portion.

26. A lid according to claim 24 or claim 25 wherein the handle portion includes a number of strengthening ribs.

15 27. A lid according to any one of the preceding claims wherein the implement has a perimetric rib.

28. A lid according to any one of the preceding claims wherein the cover portion has a substantially flat upper surface.

29. A lid according to claim 28 wherein a strengthening bead is provided on the lower surface of the cover portion.

20 30. A lid according to any one of the preceding claims wherein the lid has an outer peripheral rim for engaging with an upper peripheral rim of a container.

31. A lid according to claim 30 wherein the outer peripheral rim has a skirt and a bead thereon for engagement with a complementary recess or groove on the upper peripheral rim of the container.

25 32. A container comprising a tub or bowl portion and having an upper peripheral rim, and a lid adapted to engage with said upper peripheral rim, wherein the lid includes an implement and is in accordance with any one of the preceding claims.

30 33. A container and lid according to claim 32 wherein the container includes within its tub or bowl portion a material to be dispensed by the implement.

34. A container and lid according to claim 32 or claim 33 wherein the

container has a membrane provided over the tub and bowl portion.

35. A method of forming a lid in accordance with claim 16 comprising the steps of moulding the cover portion and the implement from a thermoplastic material in separate cavities in a single die, locating the implement in an aperture
5 in the cover portion, and applying at least one sealing sheet to the cover portion and implement so that the sealing sheet extends over the gap between the cover portion and the implement.

36. A method according to claim 35 wherein the sealing sheet is applied during moulding of the cover portion and implement.

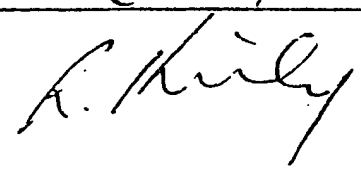
10 37. A method according to claim 36 wherein a pair of sealing sheets are placed in a die on either side of sub-cavities for the cover portion and for the implement before the injection of thermoplastic material into the die.

38. A method according to claim 35 wherein said at least one sealing sheet has a pressure-sensitive adhesive thereon and is applied to the cover portion
15 and implement after moulding.

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C. DOCUMENTS CONSIDERED TO BE RELEVANT												
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to Claim No.										
X	AU,A,33357/50 (HAIG-FERGUSON) 25 May 1950 (25.05.50) Whole document	1-13,19-34										
X	AU,B,42714/72 (466274) 29 November 1973 (29.11.73) Whole document	1,14-19,22-30,32,33										
X	AU,B,50861/73 (472448) 11 July 1974 (11.07.74) Whole document	1,14,23-30,32,33										
X	AU,A,30988/92 (AKERLUND & RAUSING) 16 September 1993 (16.09.93) Figs 1-9	1-11,19,23-34										
<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. </div> <div> <input checked="" type="checkbox"/> See patent family annex. </div> </div>												
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> * Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed </td> <td style="width: 50%; vertical-align: top;"> <table style="border: none;"> <tr> <td style="width: 10%; text-align: center;">"T"</td> <td>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td style="text-align: center;">"X"</td> <td>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td style="text-align: center;">"Y"</td> <td>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td style="text-align: center;">"&"</td> <td>document member of the same patent family</td> </tr> </table> </td> </tr> </table>			* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	<table style="border: none;"> <tr> <td style="width: 10%; text-align: center;">"T"</td> <td>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td style="text-align: center;">"X"</td> <td>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td style="text-align: center;">"Y"</td> <td>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td style="text-align: center;">"&"</td> <td>document member of the same patent family</td> </tr> </table>	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"&"	document member of the same patent family
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	<table style="border: none;"> <tr> <td style="width: 10%; text-align: center;">"T"</td> <td>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td style="text-align: center;">"X"</td> <td>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td style="text-align: center;">"Y"</td> <td>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td style="text-align: center;">"&"</td> <td>document member of the same patent family</td> </tr> </table>	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"&"	document member of the same patent family			
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"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone											
"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art											
"&"	document member of the same patent family											
Date of the actual completion of the international search 28 October 1994 (28.10.94)		Date of mailing of the international search report 8 Nov 1994 (8.11.94)										
Name and mailing address of the ISA/AU AUSTRALIAN INDUSTRIAL PROPERTY ORGANISATION PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (06) 2853929		Authorized officer <div style="text-align: center;">  R. KIRBY </div> Telephone No. (06) 2832369										

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate of the relevant passages	Relevant to Claim No.
P,X,	AU,A,38760/93 (MIRA LANZA S.P.A.) 6 January 1994 (06.01.94) Whole document	1,14-19,22-33
X	US,A,3312366 (PORIS) 4 April 1967 (04.04.67) Figs 1-5	1,14,23-33
X	US,A,4216875 (STANISH) 12 August 1980 (12.08.80) Whole document	1,14,23-33
X	GB,A,2250271 (ROBINSON & SONS LTD) 3 June 1992 (03.06.92) Whole document	1,3,10,11,12,19,20, 21,23-33,35,36
X	EP,A,517963 (THOMASSEN & DRIJVER-VERBLIFA) 16 December 1992 (16.12.92) Figs 1 and 12	1,14,23-34
X	DE 3521289 (DALY Y CIA, S.A.) 19 December 1985 (19.12.85) Figs 1-3	1,2,3,10,11,12,19, 23-30,32,33
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X	Patent Abstracts of Japan, M1350, page 88, JP,A,4-239454 (DAINIPPON PRINTING CO. LTD.) 27 August 1992 (27.08.92) Abstract	1-12,14,16,17,19, 22-23
X	Patent Abstracts of Japan, M1350, page 88, JP,A,4-239455 (DAINIPPON PRINTING CO. LTD.) 27 August 1992 (27.08.92) Abstract	1-13,16,18,19,22-33, 35-38

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international search report has not established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are four inventions:

1. Claim 1 directed to a lid characterised by the special technical feature of an implement connected to a cover portion of the lid to be separable therefrom.
2. Claim 3 directed to a lid characterised by the special technical feature of an implement being formed integrally with a cover portion of the lid by frangible tab(s) or line of weakness which may be broken to separate the implement.
3. Claim 16 directed to a lid characterised by the special technical feature of an implement received in a complementary aperture in a cover portion of the lid and at least one sealing sheet extending over a gap between the implement and cover portion.
4. Claim 35 directed to a method of forming a lid in accordance with claim 16 characterised by the special technical feature of molding the cover portion and implement in separate cavities in a single die.

Since the abovementioned claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist.

The feature common to the abovementioned claims of a lid having a usable implement is known from the prior art.

Accordingly the international application does not relate to one invention or to a single inventive concept.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

Information on patent family memb

PCT/AU 94/00543

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US006371324B1

(12) **United States Patent**
Torniainen et al.

(10) Patent No.: **US 6,371,324 B1**
(45) Date of Patent: **Apr. 16, 2002**

(54) **PORTABLE FOOD CONTAINER COVER WITH DETACHABLE UTENSIL**

(75) Inventors: Paul M. Torniainen, Plymouth; John Daugherty, Eden Prairie, both of MN (US); Paul E. Di Mario, Lawrence, MA (US); James Watson, New Lenox; Gregory J. Landis, Palos Park, both of IL (US)

(73) Assignee: General Mills, Inc., Minneapolis, MN (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/249,401

(22) Filed: Feb. 12, 1999

(51) Int. Cl.⁷ B65D 41/56

(52) U.S. Cl. 220/212; 206/541; 220/257; 220/258; 220/266; 220/574.1; 220/780; 215/228

(58) Field of Search 220/212, 574, 220/574.1, 212.5, 521, 214, 254, 257, 256, 265, 266, 780, 258; 215/228; 264/328.8, 328.12; 426/106, 112, 115, 122, 123, 131, 124; D7/642, 649, 643, 653; 30/147, 148, 149, 150; 206/217, 223, 541, 542, 229

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Primary Examiner—Allan N. Shoap

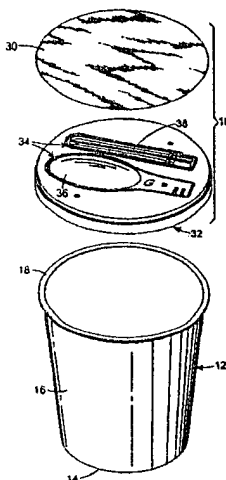
Assistant Examiner—Robin A. Hylton

(74) Attorney, Agent, or Firm—Douglas J. Taylor; Timothy A. Czaja

(57) ABSTRACT

A cover for a portable food container comprising a cover body and a utensil. The utensil includes a head piece and a handle piece. The head piece and the handle piece are each detachably secured to the cover body and are configured for assembly to each other upon detachment from the cover body to form the utensil. In one preferred embodiment, the handle piece includes a reinforcement for limiting longitudinal bending thereof. In an alternative embodiment, the cover further includes a protective film resealably secured to the cover body.

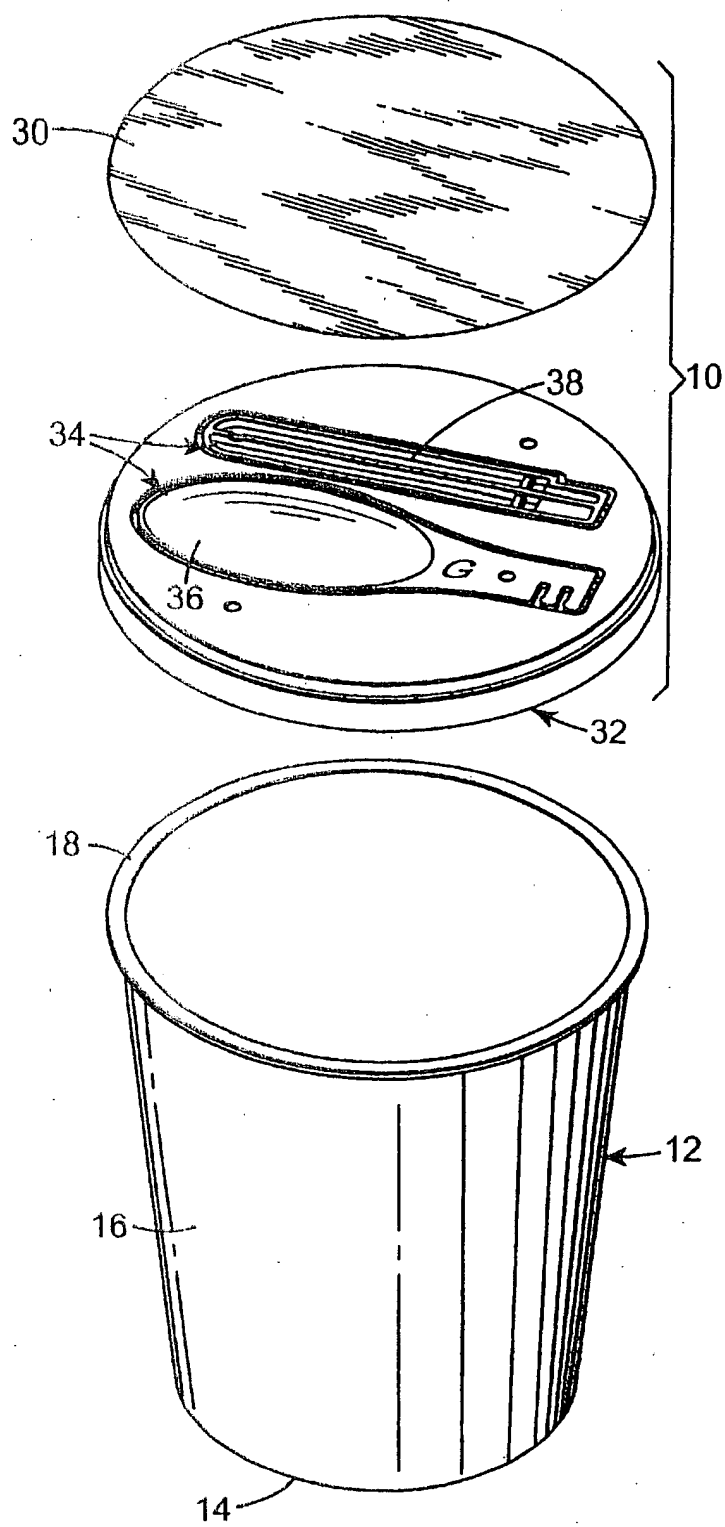
12 Claims, 6 Drawing Sheets



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**Fig. 1**

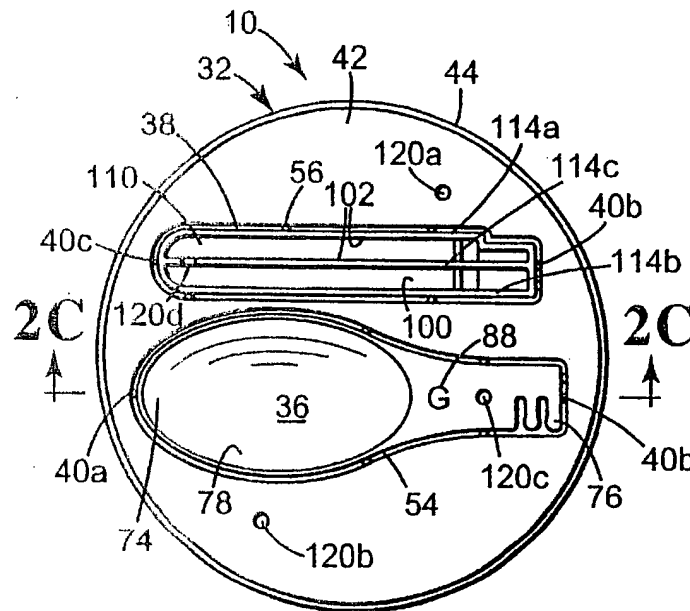
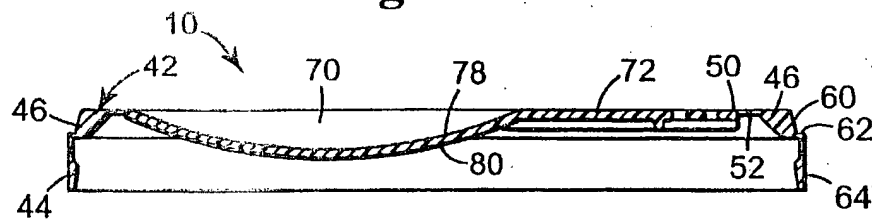
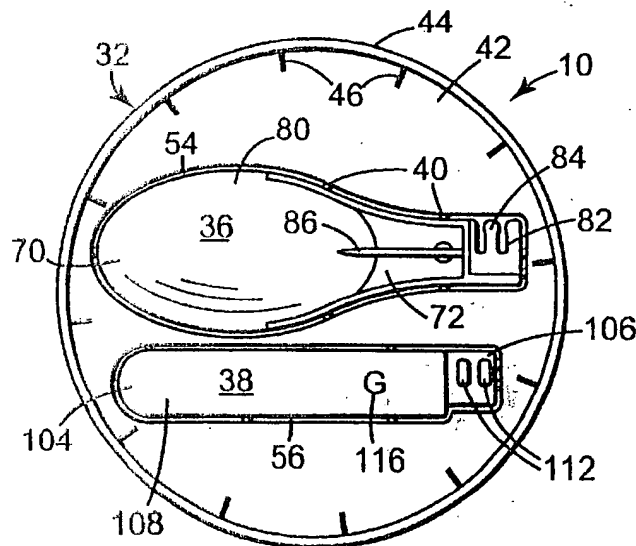


Fig. 2 B



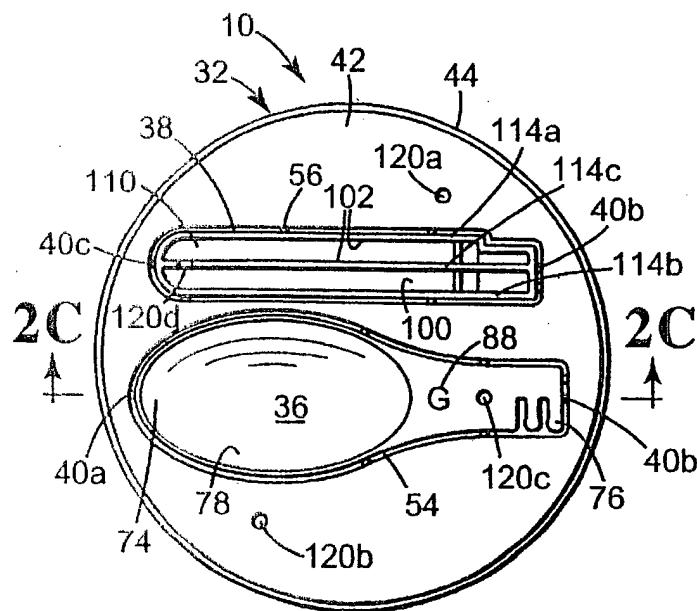


Fig. 2A

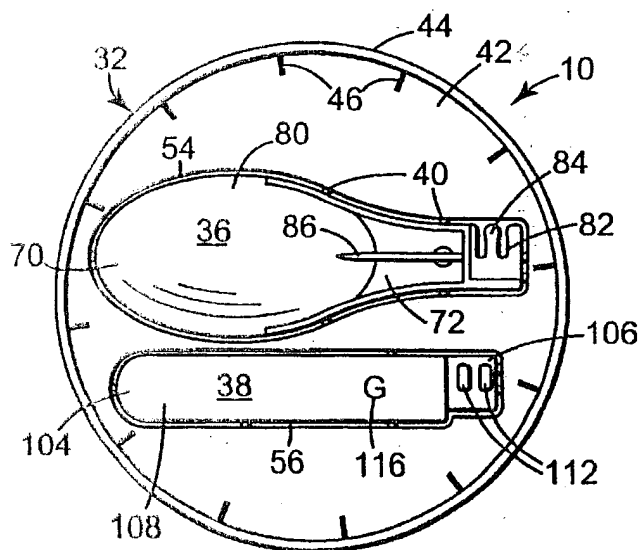


Fig. 2 B

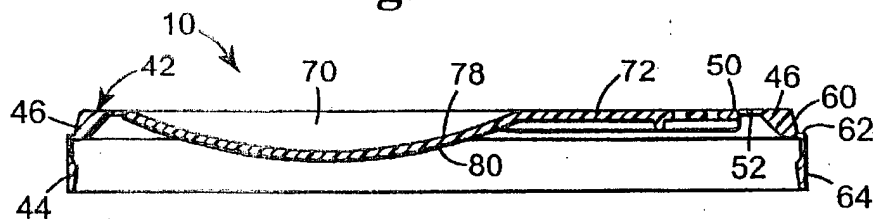


Fig. 2 C

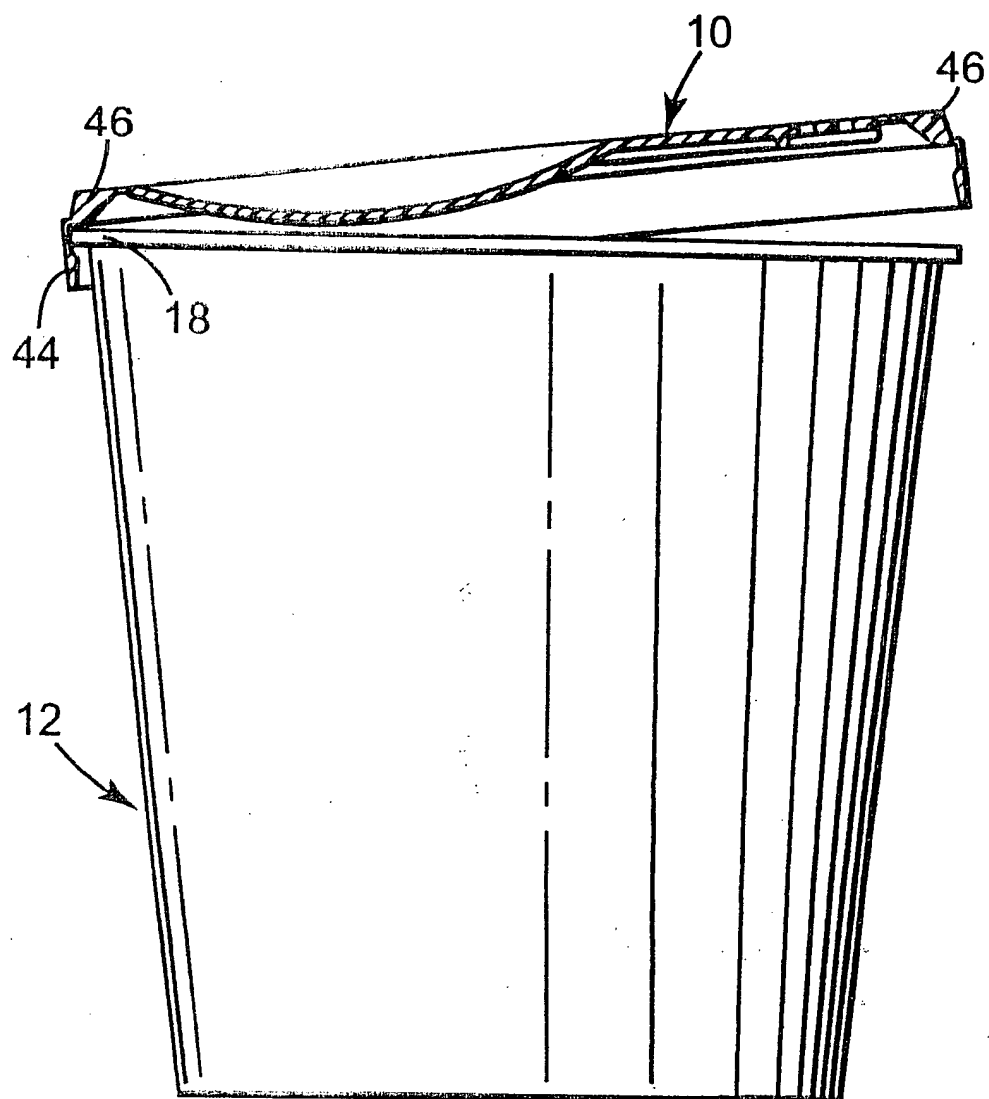


Fig. 3

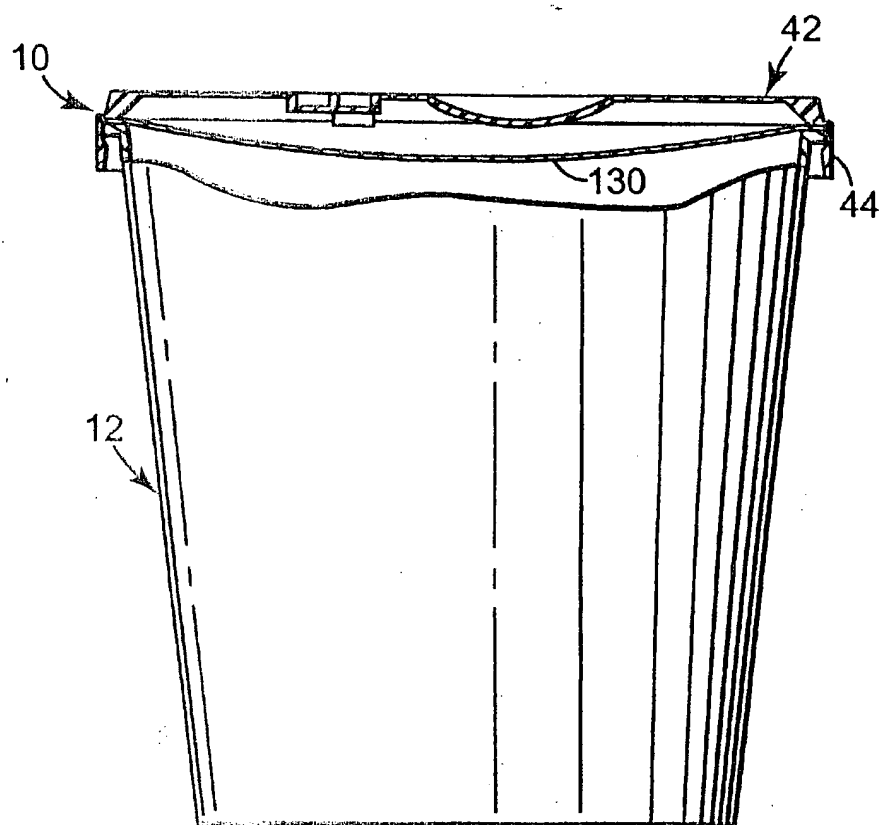


Fig. 4

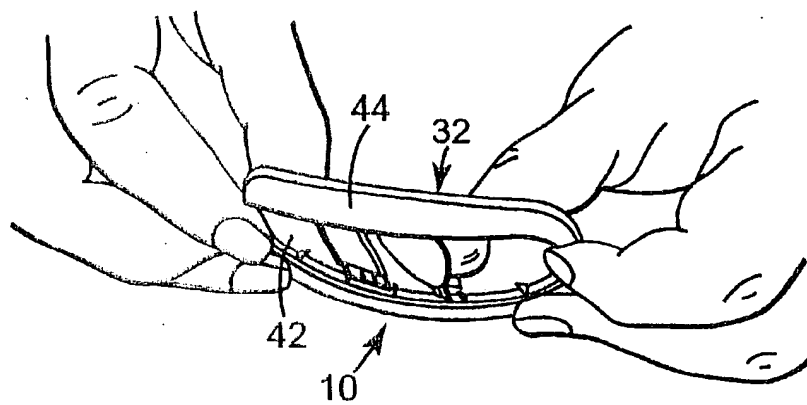
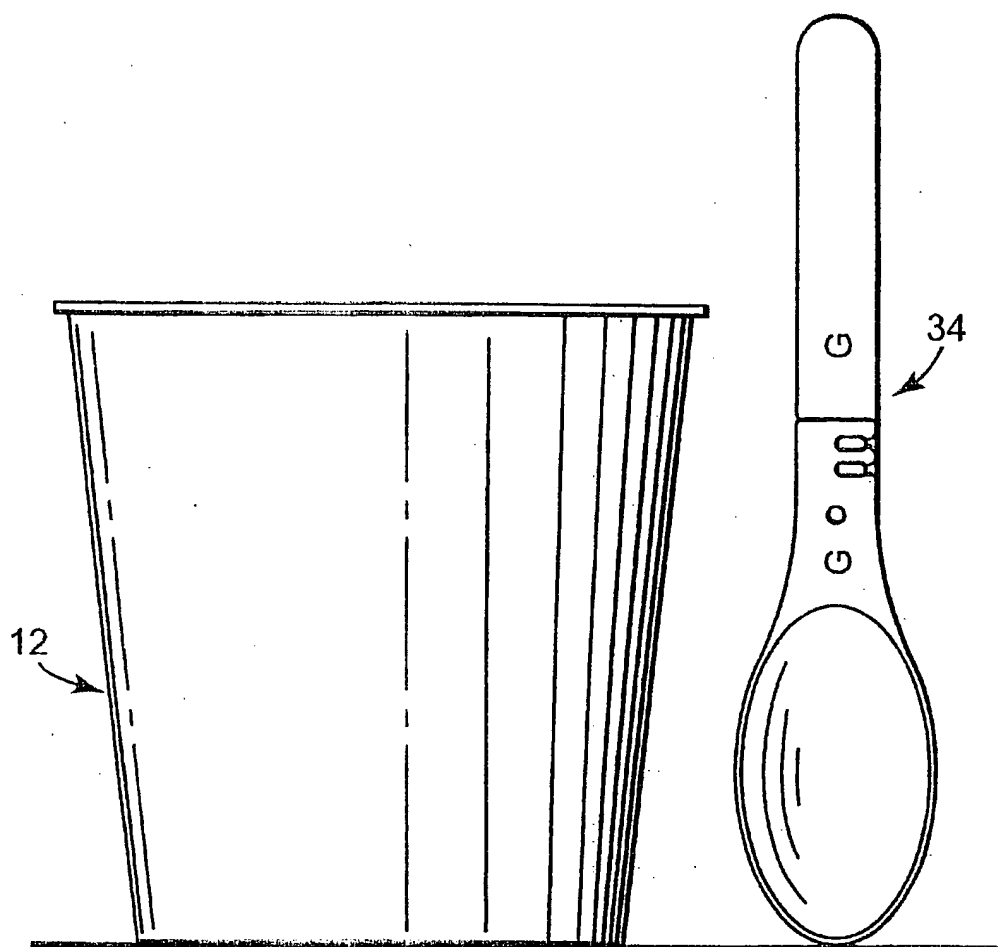


Fig. 5



**Fig. 8**

PORTABLE FOOD CONTAINER COVER WITH DETACHABLE UTENSIL

BACKGROUND OF THE INVENTION

The present invention relates to a cover for a portable food container. More particularly, it relates to a cover incorporating a detachable utensil, the cover designed for improved performance and cost effective mass production.

A variety of different of snack food and/or drink products are packaged in relatively small, single serving containers. For example, yogurt, pudding, soup, etc. are all available in single serving packages. Consumers have expressed a strong interest in the convenience presented by this packaging technique. Namely, with a small, single serving package, the consumer is able to easily transfer the packaged food from one location (e.g., home) for consumption at another location (e.g., work, outdoor event, etc.).

Many of the available single serving food products are consumable without the use of a separate eating utensil. For example, relatively solid snack food items, such as cheese sticks and candy bars, can be eaten by hand. Similarly, drink products, such as soda pop and fruit drinks, are typically consumed directly from the package or container, without the need for an eating utensil.

A third category of consumable snack items relates to semi-liquid items such as yogurt, cottage cheese, oatmeal, etc., or food items that are normally eaten hot or cold such as soup or ice cream. Consumption of these types of food normally requires a spoon, fork or similar utensil. In other words, the relatively liquid snack food items are not solid enough to be grasped by the consumer's hand, and have too high a viscosity to be drunken. Soups frequently contain solid pieces dispersed in a liquid broth. Along these same lines, the containers associated with semi-liquid food items are normally rigid and therefore do not facilitate direct consumption. Alternatively, it may be difficult for a consumer to handle directly a frozen food item or an item that is served hot. In still other food applications, foods may require mixing for best use prior to consumption. For example, "Sundae" style yogurt contains a layer of fruit sauce that is desirably mixed with the yogurt prior to consumption.

In light of the above, consumers are normally required to provide their own eating utensil to consume a single serving container of semi-liquid or temperature sensitive food. Occasionally, however, the consumer may not have ready access to such a utensil. For example, a consumer may desire to consume a single serving container of yogurt at a park. If the consumer forgets to bring a spoon with him or her, it is quite likely that the yogurt will not be consumed. The resulting frustration may dissuade that same consumer from purchasing the product again in the future. Similarly, a potential purchaser may decide against initially trying a particular product due to a perceived inconvenience in consumption. Obviously, these lost sales opportunities are of great concern to food product manufacturers. As such, any efforts to alleviate the consumption problem associated with semi-liquid food and/or temperature sensitive items will likely provide the particular food product manufacturer with a distinct competitive advantage.

One possible solution to the above-described problem is to provide an eating utensil with the product packaging. As a point of reference, one generally accepted snack food packaging approach entails an open-ended container and an associated lid or cover. A food item is maintained within the container. The cover normally seals the open end of the

container, but is removable so as to provide access to the food. With this in mind, attempts have been made to incorporate an eating utensil into the packaging configuration. U.S. Pat. No. 5,705,212, for example, describes a food package having a foldable spoon disposed in a storage compartment formed underneath the cover. While this approach does directly provide the consumer with an eating utensil, it is likely not a viable solution from a cost standpoint. In terms of mass production, the increased packaging expense associated with providing a separate spoon element, in conjunction with the additional manufacturing steps of locating the spoon within a small compartment, likely renders this design cost prohibitive. Alternatively, other efforts have been made to integrally form a detachable spoon or other utensil into the cover. While this approach is more cost effective, certain other issues remain. For example, the integrally formed utensil may fail during normal use where the spoon does not have sufficient rigidity. Additionally, it may be difficult, if not impossible, to reseal the cover to the container once the spoon has been removed therefrom. Conversely, even a slight increase in spoon thickness to improve performance may result in an unacceptable increase in overall production costs. Other unforeseen manufacturing and design concerns will likewise increase the production costs and cycle time, potentially beyond a cost effective level.

Consumers continue to demand snack food items packaged in convenient, single serving containers. However, for certain types of food, the requirement of a separate eating utensil may diminish purchasing enthusiasm. Therefore, a substantial need exists for a portable food container cover having a detachable utensil with optimized performance and manufacturing characteristics.

SUMMARY OF THE INVENTION

One aspect of the present invention provides a cover for a portable food container. The portable food container includes a base and a side wall terminating in a lip opposite the base. With this in mind, the cover comprises a cover body and a utensil. The cover body is configured to selectively receive the lip formed by the container. The utensil includes a head piece and a handle piece. The head piece is detachably secured to the cover body. Similarly, the handle piece is detachably secured to the cover body. Further, at least a portion of the handle piece includes a reinforcement for limiting longitudinal bending of the handle piece. Finally, the head piece and the handle piece are configured for assembly to each other upon detachment from the cover body. In this assembled position, the head piece and the handle piece combine to form the utensil. In one preferred embodiment, the head piece includes a bowl such that the assembled utensil is a spoon. Prior to use by a consumer, the cover is secured to the container via the cover body. When the consumer is ready to consume the contents of the container, the cover is removed from the container. The head piece and the handle piece are detached from the cover body and assembled to form the utensil. The utensil, in turn, is then used by the consumer to consume food maintained in the container. In this regard, the reinforcement limits bending of the handle piece to reduce the potential for disassembly of the handle piece from the head piece during use.

Another aspect of the present invention relates to a cover for a portable food container. The portable food container includes a base and a side wall terminating in a lip opposite the base. With this in mind, the cover comprises a cover body, a head piece, a handle piece and a plurality of breakable tabs. The cover body includes a face member and

a skirt extending from an outer periphery of the face member. The face member forms a head opening and a handle opening. The skirt, in turn, is sized to selectively receive the lip formed by the container. The head piece is disposed within the head opening and includes a leading end and a trailing end. Similarly, the handle piece is disposed within the handle opening of the face member and includes a leading end and a trailing end. The plurality of breakable tabs detachably secure the head piece and the handle piece, respectively, to the face member. In this regard, individual ones of the breakable tabs are located to connect both the leading end and the trailing end of the head piece to the face member. Likewise, separate breakable tabs are positioned so as to connect both the leading end and the trailing end of the handle piece to the face member. Finally, the head piece and the handle piece are configured for assembly to each other upon detachment from the face member to form a utensil. In one preferred embodiment, the head piece includes a bowl such that the assembled utensil is a spoon.

Yet another aspect of the present invention relates to a cover for a portable food container defined by a base and a side wall forming a lip. The cover comprises a cover body, a head piece, a handle piece and a plurality of gate markings. The cover body includes a face member and a skirt. The skirt extends from an outer periphery of the face member and is sized to selectively receive the lip. The head piece and the handle piece are each detachably secured to the face member. Further, the head piece and the handle piece are configured for assembly to each other upon detachment from the face member to form a utensil. In one preferred embodiment, the head piece includes a bowl such that the assembled utensil is a spoon. Finally, the plurality of gate markings is indicative of a plurality of plastic injection gates. Thus, the cover is formed by a device incorporating a plurality of plastic injection gates that result in the plurality of gate markings.

Yet another aspect of the present invention relates to a cover for a portable food container defined by a base and a side wall forming a lip. The cover comprises a cover body, a head piece and a handle piece. The cover body includes a face member and a skirt. The skirt extends downwardly from an outer periphery of the face member such that the face member defines an upper most plane of the cover. The head piece and the handle piece are detachably secured to the face member. Further, the head piece and the handle piece are configured for assembly to each other upon detachment from the face member to form a utensil. In one preferred embodiment, the head piece includes a bowl such that the assembled utensil is a spoon.

Yet another aspect of the present invention relates to a cover for a portable food container. The portable food container includes a base and a side wall terminating in a lip opposite the base. The cover comprises a cover body, a utensil and a protective film. The cover body includes a face member and a skirt. The skirt extends from an outer periphery of the face member and is sized to selectively receive the lip formed by the container. The utensil is formed in the cover body and includes a head piece and a handle piece. Each of the head piece and the handle piece are detachably secured to the face member. Further, the head piece and the handle piece are configured for assembly to each other upon detachment from the cover body to form the utensil. In one preferred embodiment, the head piece includes a bowl such that the assembled utensil is a spoon. Finally, the protective film is resealably secured to the cover body. The protective film provides a sanitary seal for the head piece and the handle piece. Prior to use, the cover is mounted to the

container via the skirt. To access the contents of the container, a consumer simply removes the cover from the container. Once removed, the head piece and the handle piece are detached from the face member and assembled to form a utensil. As part of this detachment process, or for other reasons, the protective film may partially disengage the cover body. However, the protective film can be resealed to the cover body and the cover body resecured to the container so as to protect any remaining food contents.

Yet another aspect of the present invention provides a cover for a portable food container defined by a side wall forming a lip. The cover comprises a cover body, a utensil, a plurality of breakable tabs, a plurality of gate markings and a protective film. The cover body includes a face member and a skirt. The face member forms a head opening and a handle opening. The skirt extends downwardly from an outer periphery of the face member such that the face member defines an upper most plane of the cover body. Further, the skirt is configured to selectively receive the lip formed by the container. The utensil includes a head piece and a handle piece. The head piece is disposed within the bowl opening and defines a leading end and a trailing end. Several of the plurality of breakable tabs detachably connect the head piece to the face member, including the leading end and the trailing end. The handle piece is disposed within the handle opening and defines a leading end and a trailing end. Several of the plurality of breakable tabs detachably connect the handle piece to the face member, including the leading end and the trailing end. Upon detachment from the face member, the head piece and the handle piece are configured for assembly to each other to form the utensil. In one preferred embodiment, the head piece includes a bowl such that the assembled utensil is a spoon. The plurality of gate markings is indicative of a plurality of injection mold gates. Finally, the protective film is resealably secured to the cover body.

Yet another aspect of the present invention relates to a method of manufacturing a cover for a portable food container. The cover includes a cover body and a utensil detachably connected to the cover body, the utensil including a head piece and a handle piece. The method of manufacturing includes providing a mold configured to produce a portable food container cover having a desired shape and size, and including a detachable utensil. A plurality of gates are formed in the mold. A flowable plastic is injected into the mold via the plurality of gates to form the portable food container cover. Finally, the portable food container cover is removed from the mold. By employing a plurality of gates, the above process greatly reduces the overall costs of manufacture.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective, exploded view of a cover in accordance with the present invention, shown in conjunction with a portable food container;

FIG. 2A is a top, elevational view of the cover of FIG. 1 in accordance with the present invention;

FIG. 2B is a bottom, elevational view of the cover of FIG. 1 in accordance with the present invention;

FIG. 2C is an enlarged, cross-sectional view of the cover of FIG. 2A, along the line 2C—2C;

FIG. 3 is a cross-sectional view of the cover in accordance with the present invention, partially assembled to a portable food container;

FIG. 4 is a cross-sectional view of the cover in accordance with the present invention, assembled to a portable food container;

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FIG. 5 is a perspective view of the cover in accordance with the present invention in a deflected state;

FIG. 6 is a perspective, exploded view of a spoon detached from the cover;

FIG. 7 is a bottom, perspective view of the assembled spoon of FIG. 6;

FIG. 8 is a side, elevational view of the assembled spoon of FIG. 6 and a portable food container.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

One preferred embodiment of a cover 10 is shown in FIG. 1. As a point of reference, the cover 10 is shown in conjunction with a portable food container 12. Disposed within the container 12 is a food item such as yogurt (not shown). The container 12 includes a base 14 and a side wall 16. The side wall 16 extends from the base 14 and forms a lip 18 at an open end opposite the base 14. In general terms, the container 12 is sized to be portable, preferably maintaining a single serving or multiple servings of food. Because the container 12 is in direct contact with food, a material approved for food contact should be employed, as is well known in the art. The skilled artisan will appreciate that in other variations, containers 12 can be fabricated wherein the base 14 and the side wall 16 are integrally formed. The side wall 16 is depicted in FIG. 1 as being frusto conically shaped. Alternatively, the side wall 16 can be any of a number of different shapes, including cylindrical, rectangular, square, etc. The side wall 16 can be continuous as depicted or formed of separated pieces.

In one preferred embodiment, the cover 10 includes a protective film 30, a cover body 32 and a utensil (shown generally at 34). As described in greater detail below, the cover body 32 is configured to be releasably secure to the lip 18 formed in the container 12. The utensil 34 includes a head piece 36 and a handle piece 38, each of which are detachably secured to the cover body 32. In one preferred embodiment, the utensil 34 is a spoon, with the head piece 36 configured as a bowl piece. As described below, however, the utensil 34 may assume a wide variety of forms, including a fork, spork (i.e., a combined fork and spoon) or knife. Finally, the protective film 30 is releasably secured to the cover body 34.

One function of the protective film 30 is to provide a sanitary seal for the head piece 36 and the handle piece 38, and is preferably shaped in accordance with the cover body 32. Thus, in the embodiment shown in FIG. 1, where the cover body 32 is generally circular, the protective film 30 is likewise circular in shape. While a wide variety of film materials may be used for the protective film 30, the material selected preferably exhibits a high degree of clarity, such as that found with polystyrene (PS). To this end, PS facilitates rapid manufacture in that PS is relatively stiff and is therefore readily removable from a backing material. It should be noted, however, that any other similar polymer-type film may be employed. To this end, the protective film 30 need not necessarily be clear but may be tinted, translucent or even opaque. Additionally, the protective film 30 may include indicia (not shown), such as a manufacturer trademark or trade name, product description, etc. Finally, while the protective film 30 does serve to protect the utensil 34 from contamination, the protective film 30 is not a necessary element of the present invention. In other words, the cover 10 will function without the protective film 30. A second function of the protective film is to provide the cover 10 with a reclosure feature for when only a portion of the food contents is consumed.

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The cover 10 is shown in greater detail in FIGS. 2A-2C. For purposes of illustration, the cover 10 is depicted in FIGS. 2A-2C with the protective film 30 (FIG. 1) removed. The cover 10 shown in FIGS. 2A-2C includes the cover body 32, the head piece 36, and the handle piece 38 each detachably secured to the cover body 32 by a plurality of breakable tabs 40.

The cover body 32 preferably includes a face member or portion 42, a downwardly extending skirt 44 and a plurality of spaced apart support runners or ribs 46 (FIG. 2B). Further, as best shown in FIG. 2B, each of the plurality of support runners 46 project radially inwardly from the skirt 44 along the face member 42.

The face member 42 is preferably substantially planar, defining a top surface 50 and a bottom surface 52. Further, the face member 42 is fabricated to include a head opening 54 and a handle opening 56. The shape of the head opening 54 corresponds with, and is slightly larger than, a shape of the head piece 36; whereas the handle opening 56 is shaped in accordance with, and is slightly larger than, a shape of the handle piece 38. In one preferred embodiment, the face member 42 is circular corresponding with the container 12 (FIG. 1), although any other shape is acceptable. In a preferred embodiment, and as shown most clearly in FIGS. 2A and 2B, the head opening 54 and the handle opening 56 are entirely closed relative to the skirt 44. In other words, the face member 42 preferably includes material between the entire periphery of each of the head opening 54 and the handle opening 56, and the skirt 44.

As best shown in FIG. 2C, the downwardly extending skirt 44 includes a first section 60, a shoulder or ridge 62 and a second section 64. The first section 60 projects from the face member 42 and is connected to the second section 64 by the ridge 62. In this regard, the first section 60 has a diameter less than a diameter of the second section 64 such that the ridge 62 extends radially outwardly from the first section 60 to the second section 64. With this preferred configuration, a second, similarly constructed cover body (not shown) can be stacked on top of the cover body 32, with the skirt portion of the second cover body nesting against the ridge 62. Finally, the second section 64 is configured to releasably engage the lip 18 (FIG. 1) of the container 12 (FIG. 1). To this end, the second section 64 preferably forms an annular groove 66 that is sized to engage the lip 18.

The plurality of support runners 46 are provided to assist in proper assembly of the cover body 32 to the container 12 (FIG. 1), as well as to facilitate a more rigid interface between the two components. In this regard, each of the plurality of support runners 46 terminate at the annular groove 66 in the skirt 44 and are preferably uniformly spaced about the circumference of the bottom surface 52 of the face member 42. By uniformly spacing the plurality of support runners 46, a relatively uniform force distribution across the cover body 32 can be achieved, although a slight deviation to this preferred uniform spacing is acceptable. As best shown in FIG. 2B, formation of the bowl opening 54 and/or the handle opening 56 may limit an allowable length of one or more of the plurality of support runners 46. Preferably, however, each of the support runners 46 has a substantially similar size. So that the plurality of support runners 46 do not overly diminish flexibility of the cover body 32, a ratio of a diameter of the cover body 32 to a length of each of the plurality of support runners 46 is preferably greater than approximately 15:1; more preferably 20:1, although other dimensions are equally acceptable. For example, where the cover body 32 has a diameter of 80 mm, each of the plurality of support runners 46 will preferably

have a length of approximately 4 mm. Notably, by incorporating the plurality of support runners 46 as opposed to a continuous strip of material, the total amount of material required for the cover body 32, and thus the per unit cost, is greatly reduced. However, an adequate number of support runners 46 are required to sufficiently support the cover body 32 relative to the container 12. In this regard, preferably at least nine support runners 46 are provided; most preferably twelve support runners 46.

Still referring to FIGS. 2A-2C, the head piece 36 is sized to be disposed within the head opening 54 and includes a food retaining means 70 and a neck 72. In one preferred embodiment, as shown in FIGS. 2A-2C, the utensil 34 is a spoon. With that preferred design, the head piece 36 is a bowl piece such that the food retaining means 70 is a bowl. Alternatively, the food retaining means 70 may be fork tines, a knife blade, a spork body, etc. The food retaining means 70 and the neck 72 are preferably integrally formed and combine to define a leading end 74, a trailing end 76, a top surface 78 and a bottom surface 80 of the head piece 36. Importantly, the terms "top surface" and "bottom surface" are with reference to a desired orientation of the head piece 36 upon removal from the face member 42 and assembly to the handle piece 38, as described in greater detail below. This directional terminology does not limit orientation of the head piece 36 relative to the face member 42. The trailing end 76 forms a coupling means, preferably including a pair of slots 82 separated by a finger 84. Finally, as best shown in FIG. 2B, the head piece 36 preferably includes a reinforcement 86 and an indicia 88. The reinforcement 86 is, in one preferred embodiment, a centrally disposed rib extending in a longitudinal fashion along the bottom surface 80 from the neck 72 to the food retaining means (or bowl) 70. The reinforcement 86 is provided to limit longitudinal bending of the head piece 36. The indicia 88 is preferably inscribed on the top surface 78 of the head piece 36 and, as described below, is provided to assist a user (not shown) in properly orienting the head piece 36 relative to the handle piece 38 upon detachment from the face member 42. In one preferred embodiment, for example, the indicia 88 is a trademark.

In one preferred embodiment, the head piece 36 has a length (from the leading end 74 to the trailing end 76) greater than 6.0 centimeters, more preferably greater than 6.5 centimeters, although other dimensions are equally acceptable. Further, the head piece 36 is preferably sized to provide sufficient surface area for a user to retrieve and transfer food, while also establishing an appropriate overall length. Thus, in one preferred embodiment, where the head piece 36 is configured to include a bowl, the neck 72 has a length greater than one-third a length of the bowl 70.

The handle piece 38 is preferably sized to be disposed within the handle opening 56 in the face member 42, and includes a base portion 100 and a reinforcement 102. The base portion 100 defines a leading end 104, a trailing end 106, a top surface 108 and a bottom surface 110. A coupling means is preferably formed at the trailing end 106 and, in one preferred embodiment, includes a pair of posts 112. Importantly, the terms "top surface" and "bottom surface" are with reference to a desired orientation of the handle piece 38 upon removal from the face member 42 and assembly to the head piece 36, as described below. This directional terminology does not limit possible orientation of the handle piece 38 relative to the face member 42. In other words, as shown in FIGS. 2A-2C, the top surface 108 of the handle piece 38 may be adjacent the bottom surface 52 of the face member 42; whereas the bottom surface 110 of the handle piece 38 is adjacent the top surface 50 of the face member 42.

In one preferred embodiment, the reinforcement 102 of the handle piece 38 includes a plurality of ribs 114a-114c. As best shown in FIG. 2A, each of the plurality of ribs 114a-114c extend in longitudinal fashion along the base portion 100. In one preferred embodiment, three of the ribs 114a-114c are provided; with two of the ribs 114a, 114b positioned at opposite sides of the base portion 100, respectively, and a third rib 114c centrally located relative to the base portion 100. Alternatively, any other number of ribs may be employed. For example, only the central rib 114c may be included. Regardless of the exact number, the plurality of ribs 114a-114c serve to limit longitudinal bending of the handle piece 38. In light of this strengthening characteristic, the amount or thickness of the base portion 100 can be reduced, thereby reducing the per unit cost while increasing overall stiffness. With this in mind, it is preferred that the ribs 114a-114c have a thickness greater than a thickness of the base portion 100. For example, in one preferred embodiment, the base portion 100 has a thickness of approximately 0.04 inch (~1 mm), whereas each of the ribs 114a-114c has a thickness (or extension from the base portion 100) of 0.07 inch (~2 mm). On a mass production basis, this presents a substantial savings over a handle piece comprised solely of a base portion having a thickness of 0.1 inch (~2.5 mm). Pointedly, a so-constructed handle piece 38 has been shown to be approximately 25% stiffer (per unit length) than a handle piece having a base portion of 0.07 inch thickness and no reinforcement, while using approximately 15% less plastic (per unit length). Obviously, other dimensional characteristics are acceptable, as are other configurations for the reinforcement 102. For example, the reinforcement 102 may be an angularly extending rib, a small block of material, etc.

In one preferred embodiment, the handle piece 38 further includes indicia 116 inscribed along the top surface 108. The indicia 116 can visually or tactually assist a user (not shown) in properly orientating the handle piece 38 relative to the head piece 36 upon detachment from the cover body 32. In one preferred embodiment, the indicia 116 is a trademark or trade name. Alternatively, other letters, numbers or symbols may be used. Even further, the indicia 116 may be eliminated entirely.

The handle piece, in one preferred embodiment, has a length (from the leading end 104 to the trailing end 106) greater than 5.5 centimeters, more preferably at least 6.0 centimeters, although other dimensions are acceptable.

The head piece 36 and the handle piece 38, respectively, are detachably secured to the face member 42 by the plurality of breakable tabs 40. As shown in FIGS. 2A and 2B, the plurality of tabs 40 extend from various locations along the outer periphery of both the head piece 36 and the handle piece 38. In a preferred embodiment, the plurality of tabs 40 are located to provide relatively uniform support to the head piece 36 and the handle piece 38, respectively. For example, tabs 40 are provided not only along sides of the head piece 36, but also at least one of the tabs 40a connects the leading end 74 of the head piece 36 to the face member 42, and at least another one of the tabs 40b connects the trailing end 76 to the face member 42. Similarly, at least one of the tabs 40c is positioned to connect the leading end 104 of the handle piece 38 to the face member 42, and another one of the tabs 40d connects the trailing end 106 to the face member 42. It should be understood that more than one tab 40 may be provided to connect the respective leading ends 74, 104 and trailing ends 76, 106 to the face member 42.

In one preferred embodiment, the cover body 32, the head piece 36, the handle piece 38 and the breakable tabs 40 are

integrally formed from a plastic material. For example, a polypropylene material may be used. Alternatively, any other relatively rigid polymer that is preferably conducive to injection molding may be useful. Preferably, however, the selected material is approved for contact with food.

One preferred method of integrally forming the cover body 32, the head piece 36, the handle piece 38 and the plurality of breakable tabs 40 is plastic injection molding. To this end, FIG. 2A depicts a plurality of gate markings 120a-120d in the cover 10. The plurality of gate markings 120a-120d are indicative of a manufacturing process in which a mold is provided with a plurality of gates. In one preferred embodiment, four gates, and therefore four gate markings 120a-120d, are provided. By utilizing a plurality of gates, as opposed to a single gate, the cycle time required to produce the cover 10 is greatly reduced. For example, it has been found that a production capacity for a four gate mold is approximately six times greater than a single gate mold. As shown in FIG. 2A, the plurality of gate markings 120a-120d, and therefore the plurality of gates used in conjunction with the mold used to produce the cover 10, are balanced to facilitate a relatively uniform plastic flow. To this end, the mold may be definable by a cover body section for forming the cover body 32; a head section for forming the head piece 36 and a handle section for forming the handle piece 38. With this construction in mind, the gate marking 120a and the gate marking 120b are positioned at opposite sides of the face member 42. A third one of the gate markings 120c is positioned in the head piece 36, whereas a fourth one of the gate markings 120d is located within the handle piece 38. Alternatively, any other number and location of gate markings, and therefore gates, may be used. For example, one or all of the gate markings 120a-120d may be formed on the bottom surface 52 of the face member 42. In addition to reducing fabrication cycle time, utilization of a plurality of gates also can aid in provision of highly uniformly shaped lid elements.

Following manufacture of the cover body 32, the head piece 36, the handle piece 38 and the breakable tabs 40, the protective film 30 (FIG. 1) is secured to the cover body 32. In one preferred embodiment, the protective film is secured to the face member 42. To effectuate a more complete engagement between the face member 42 and the protective film 30, the face member 42, and in particular the top surface 50, defines an upper most surface for receiving the protective film 30. In other words, the skirt 44, the head piece 36 and the handle piece 38 do not project above a plane of the top surface 50. Further, in one preferred embodiment, the face member 42 encloses each of the head opening 54 and the handle opening 56 relative to the skirt 44 such that a continuous engagement surface is provided. The top surface 50 of the face member 42, the top surface 78 of the head piece 36 and the ribs 114a-114c of the handle piece 38 may all be the same plane, such that at least a portion of the head piece 36 and the handle piece 38 receive the protective film 30. However, it is preferred that the head piece 36 and the handle piece 38 do not extend above the top surface 50 of the face member 42. For example, where the head piece 36 includes a bowl (the food retaining means 70 in FIG. 2C), the head piece 36 is orientated relative to the face member 42 such that the convex extension of the bowl 70 projects downwardly below the top surface 50. By mounting the protective film 30 to the face member 42 instead of an annular shoulder or similar body, a more complete engagement is achieved. Thus, the face member 42 provides a relatively large bonding area for receiving the protective film 30. As a result, a more complete engagement between the protective film 30 and the cover body 32 is achieved.

In one preferred embodiment, the protective film 30 is secured to the face member 42 via a pressure sensitive adhesive. For example, a hot melt adhesive such as Aromelt®, available from Ashland Chemical, may be used. Alternatively, any other hot melt adhesive or other type of adhesive may be useful. Preferably, however, the selected adhesive conforms with applicable national standards (such as in U.S.A. 21 Code of Federal Regulations 175.125) relating to materials in direct or indirect contact with various foods. Importantly, the particular adhesive employed preferably allows for repeated partial or full removal and resealing of the protective film 30 to the face member 42. In other words, the protective film 30 may be partially or completely peeled away from the face member 42, and then later resealed. To this end, the selective adhesive preferably has a bond strength that allows for partial or full removal of the protective film 30 by a user (not shown).

Once the cover 10, including the protective film 30, is complete, the cover 10 may then be assembled to the container 12 as shown in FIG. 3. With one preferred mass production technique, the cover 10 is located above the container 12 and positioned at a slight angle. More particularly, the cover 10 is maneuvered toward the container 12 such that a portion of the skirt 44 passes over the lip 18 of the container 12. This motion is continued until one of the plurality of support runners 46 contacts the lip 18. Because, as previously described, the plurality of support runners 46 are uniformly spaced about the outer circumference of the face member 42, regardless of the exact rotational position of the cover 10 relative to the machine arm, at least one of the plurality of support runners 46 will contact the lip 18, thereby preventing damage to the cover 10. As the cover 10 is directed into complete engagement with the lip 18 (FIG. 4) such as with a mechanical roller, the plurality of support runners 46 direct deflection of the skirt 44 such that the lip 18 nests within the annular groove 66 (FIG. 2C).

Following complete assembly of the cover 10 to the container 12 (as shown in FIG. 14), the product may be maneuvered to a separate location. For example, the assembled cover 10/container 12 may be placed within a larger package having a number of similar products. To this end, a pick-and-place handling device including a machine arm (not shown) having a suction cup (not shown) may be used to engage and move the cover 10/container 12. In this regard, because the head piece 36 (FIG. 2A) and the handle piece 38 (FIG. 2A) are connected to the face member 42 (FIG. 2A) by at least one of the plurality of breakable tabs 40 (FIG. 2A) at the respective ends, contacting the cover 10 with a suction cup will not cause the head piece 36 or the handle piece 38 to deflect away from the face member 38 by an appreciable distance. Similarly, because the protective film 30 is uniformly sealed to the face member 42, contact by a suction cup or similar device will not cause the protective film to peel away. Notably, where a number of similar products are stacked on top of the cover 10/container 12, these same attributes will minimize the potential for defect.

As shown in FIG. 4, the container 12 may include a partition 130 sealing the contents of the container 12. For example, the partition 130 may be a foil material. Use of the foil partition 130 to seal the contents of the container 12 is a widely accepted practice. Optionally, foil partition 130 can be fabricated to include a tab feature (not shown) to facilitate its removal. While the foil partition 130 is impermeable to environmental contaminants, it may be possible to unexpectedly pierce the foil partition 130 with a relatively sharp object. Obviously, any defect imparted into the foil partition

130 will expose the contents of the container 12 to contaminants, potentially rendering the contents inedible. Notably, the foil partition 130 is normally not flexible, but is secured to the container 12 so as to have a slight slack. Thus, the foil partition 130 can deflect slightly either downwardly or upwardly. With this in mind, the closer the outside force is to an outer edge of the foil partition 130, the more likely it is that the force will pierce the foil partition 130.

In light of the above concern, the cover 10 is preferably configured to minimize the potential of puncturing of the foil partition 130. More particularly, the posts 112 of the handle piece 38 present the most likely puncture-causing surface. With reference to FIGS. 2B and 5, the handle piece 38 is orientated relative to the face member 42 such that the posts 112 are as close to a center of the face member 42 as possible. With this more central location, the opportunity for the posts 112 to unexpectedly puncture the foil partition 130 in response to a downward force placed upon the cover 10 (such as by the machine arm (not shown) or when another container (not shown) is stacked on top of the cover 10) is greatly diminished.

With the cover 10 assembled to the container 12, the entire product is available for use by a consumer (not shown). The consumer removes the cover 10 from the container 12. The head piece 36 and the handle piece 38 are then detached from the cover body 32. To this end and with reference to FIGS. 2A and 5, the cover body 32 is preferably sufficiently flexible such that the breakable tabs 40 adjacent the leading end 74 of the head piece 36 and the trailing end 106 of the handle piece 38 are broken via a bending force focused on the cover body 32 adjacent the leading end 74 of the head piece 36. For example, as shown in FIG. 5, the cover body 32 has been bent or flexed upwardly. To accomplish this effect, the consumer may grasp the cover body 32 such that the consumer's thumb is placed in the middle of the face member 42, with the consumer's fingers grasping the skirt 44 adjacent the leading end 74 of the head piece 36. With this technique, the consumer's thumb serves as a pivot point about which the cover body 32 is bent. As the cover body 32 is maneuvered through this bending motion, the breakable tab 40a adjacent the leading end 74 of the head piece 36 and the breakable tab 40d adjacent the trailing end 106 of the handle piece 38 are severed such that the leading end 74 of the head piece 36 and the trailing end 106 of the handle piece 38 can easily be grasped apart from the cover body 32. The remaining tabs 40 are then broken by pulling the head piece 36 and the handle piece 38 away from the cover body 32. It should be noted that in a preferred embodiment, the protective film 30 (FIG. 1) need not be removed from the cover body 32 for detachment of the head piece 36 and the handle piece 38. In practice, however, the flexing motion may cause a portion of the protective film 30 to disengage or otherwise peel away from the cover body 32.

Once detached from the cover body 32, the head piece 36 and the handle piece 38 are assembled to form the utensil 34, for example a spoon, as shown in FIG. 6. In the preferred embodiment, the head piece 36 is maneuvered in vertical fashion toward the handle piece 38 such that the pair of posts 112 are engaged within the pair of slots 82, respectively. Notably, it may be possible for a consumer to mistakenly assemble the head piece 36 to the handle piece 38 such that the head piece 36 is "upside down". To this end, the indicia 88 in the head piece 36 and the indicia 116 in the handle piece 38 are provided to facilitate proper orientation of the head piece 36 relative to the handle piece 38. For example, where the indicia 88 and the indicia 116 are identical trademarks, a consumer is more likely to orientate the head

piece 36 and the handle piece 38 such that these trademarks are aligned. Alternatively, the indicia 88 and the indicia 116 may provide directional language to facilitate proper orientation.

In addition to the indicia 88, 116 on the top surfaces 78, 108 of the head piece 36 and the handle piece 38, respectively, the head piece 36 and the handle piece 38 may include additional directional indicators. For example, in the assembled position shown in FIG. 7, the reinforcement 86 of the head piece 36 aligns with the centrally disposed rib 114c of the handle piece 38. Once again, by locating the reinforcement 86 on the bottom surface 80 of the head piece 36 and the central rib 114c on the bottom surface 110 of the handle piece 38, the consumer is given a clear, visual or tactile indication of proper assembly orientation.

Once assembled, the utensil 34 has a total length at least slightly greater than a depth of the container 12 as depicted in FIG. 8. It is highly likely that for the overall product configuration to be successful, the consumer (not shown) must be able to reach the bottom of the container 12 with the utensil 34 without the consumer's fingers contacting the contents of the container 12. For example, where the container 12 maintains a food item that requires stirring prior to consumption, such as a yogurt product with fruit on the bottom, the consumer will likely desire the ability to reach the bottom of the container 12 with the utensil 34. Thus, in one preferred embodiment, the spoon 34 has an overall length at least 5 millimeters greater than a depth of the container 12.

Following consumption, the consumer may recycle or otherwise discard the utensil 34 and the container 12. Where the contents of the container 12 are only partially consumed, however, the consumer may wish to store the remaining contents of the container 12 for future consumption. It will be recalled that during detachment of the head piece 36 and/or the handle piece 38, a portion of the protective film 30 (FIG. 1) may disengage or peel away from the cover body 32 (FIG. 1). In this regard, the protective film 30 can be resealed to the cover body 32. The cover body 32 is then secured to the container 12. Notably, the protective film 30 prevents contaminants from potentially contacting the contents of the container 12 via the head opening 54 (FIG. 2A) and/or the handle opening 36 (FIG. 2A).

The cover of the present invention provides a marked improvement over previous designs. First, the cover includes a detachable utensil to facilitate convenient consumption of food maintained by a portable food container associated with the cover. To this end, the utensil, and in particular the handle portion, is reinforced so as to limit longitudinal bending thereof. Where the reinforcement is a longitudinally extending rib, the overall material thickness of the handle can be greatly reduced, thereby reducing costs. A further savings is realized by utilizing a plastic injection manufacturing technique in which four gates are incorporated. Additionally, by connecting the utensil components to the cover with breakable tabs located along the entire periphery of each component including their ends, the cover itself will have sufficient structural integrity for processing through various manufacture, packaging, and storage steps. Finally, by incorporating a pressure sensitive adhesive, a protective film otherwise associated with the cover can be repeatedly removed and resealed to the cover.

Although the present invention has been described with reference to preferred embodiments, workers skilled in the

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art will recognize that changes may be made in form and detail without departing from the spirit and scope of the present invention. For example, the head piece and the handle piece have been described as being coupled via a dual post and slot configuration. Alternatively, any other coupling approach is equally acceptable. Similarly, the cover has been shown as including a detachable spoon. Alternatively, any other type of eating utensil, such as a fork, spork, knife, spatula (for spreading a frosting, jam or jelly or soft cheese, for example), etc., can be formed.

A number of attributes have been ascribed to one preferred embodiment the cover of the present invention. However, one or more of these features may be eliminated, yet the resulting cover still perform. For example, the handle piece and the head piece have been preferably described as including directional indicia for facilitating proper orientation in an assembled utensil position. These indicia are not necessarily required. Similarly, the protective film need not necessarily be resealably connected to the cover body. Along these same lines, an upwardly extending shoulder may be provided to receive the protective film.

What is claimed is:

1. A cover for a portable food container having a base and a side wall terminating in a lip opposite the base, the cover comprising:

a cover body configured to selectively receive the lip; and
a utensil comprising:

a head piece detachably secured to the cover body,
a handle piece detachably secured to the cover body, at least a portion of the handle piece including a plurality of ribs for limiting longitudinal bending thereof, the plurality of ribs including a substantially centrally located longitudinal rib that has a substantially planar bottom and a cross-rib extending perpendicular to, and intersecting with, the centrally located longitudinal rib;

wherein the head piece and the handle piece are configured for assembly to each other upon detachment from the cover body to form the utensil in an assembled position.

2. The cover of claim 1, wherein the head piece includes a bowl such that the utensil is a spoon.

3. The cover of claim 1, wherein at least one of the plurality of ribs extends from a base portion and has a height greater than a height of the base portion.

4. The cover of claim 1, wherein the handle piece includes a base portion to which the plurality of ribs are attached, and further wherein the plurality of ribs includes first and second ribs positioned at opposing sides of the base portion.

5. The cover of claim 4, wherein the head piece includes a neck extending from a food retaining means, the cover further comprising:

a longitudinally extending rib substantially centrally positioned along the neck for limiting longitudinal bending thereof.

6. The cover of claim 5, wherein the substantially centrally positioned rib associated with the neck aligns with the substantially centrally located rib of the handle piece in the assembled position.

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7. The cover of claim 1 further comprising:

indicia disposed on at least the handle piece for designating proper orientation of the handle piece relative to the head piece in the assembled position.

8. The cover of claim 7, wherein the handle piece and the head piece each define a top and a bottom such that in the assembled position, the top of the head piece is substantially contiguous with the top of the handle piece, the indicia being inscribed on the top of the handle piece.

9. The cover of claim 7, wherein the handle piece and the head piece each include a top and a bottom such that in the assembled position, the bottom of the head piece is substantially contiguous with the bottom of the handle piece, the indicia comprising the substantially centrally located longitudinal rib on the bottom of the handle piece and a substantially centrally located longitudinal rib on the bottom of the head piece, the substantially centrally located ribs aligning with one another in the assembled position.

10. The cover of claim 1, wherein the side wall defines an internal depth of the portable food container, and further wherein the handle piece and the head piece are sized such that in the assembled position, the utensil has a length greater than the internal depth.

11. The cover of claim 1, wherein the head piece includes a neck extending from a bowl, the neck having a length greater than one-third a length of the bowl.

12. A cover for a portable food container including a base and a side wall terminating in a lip opposite the base, the cover comprising:

a cover body including:

a planar face member forming a head opening and a handle opening,

a skirt extending downwardly from an outer periphery of the face member such that the face member defines an upper most plane of the cover body, the skirt sized to selectively receive the lip;

a utensil including:

a head piece disposed within the head opening, the head piece defining a leading end and a trailing end,

a handle piece disposed within the handle opening, the handle piece defining a leading end and a trailing end, at least a portion of the handle piece including a longitudinal rib and a cross-rib for limiting longitudinal bending thereof;

a plurality of breakable tabs detachably securing the head piece and the handle piece to the face member, wherein the leading end and the trailing end of the head piece and the handle piece, respectively, are each directly connected to the face member by at least a respective one of the plurality of tabs;

wherein the head piece and the handle piece are configured for assembly to each other upon detachment from the face member to form the utensil;

a plurality of gate markings indicative of a plurality of plastic injection gates; and

a protective film resealably secured directly to the planar face member.

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